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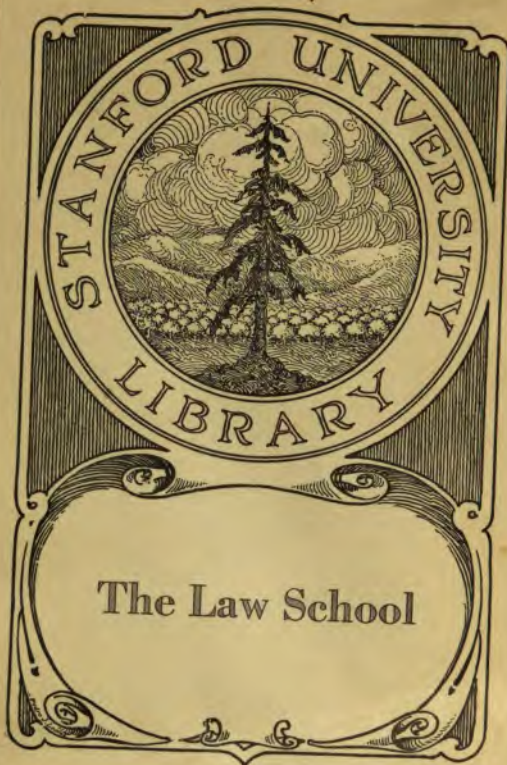
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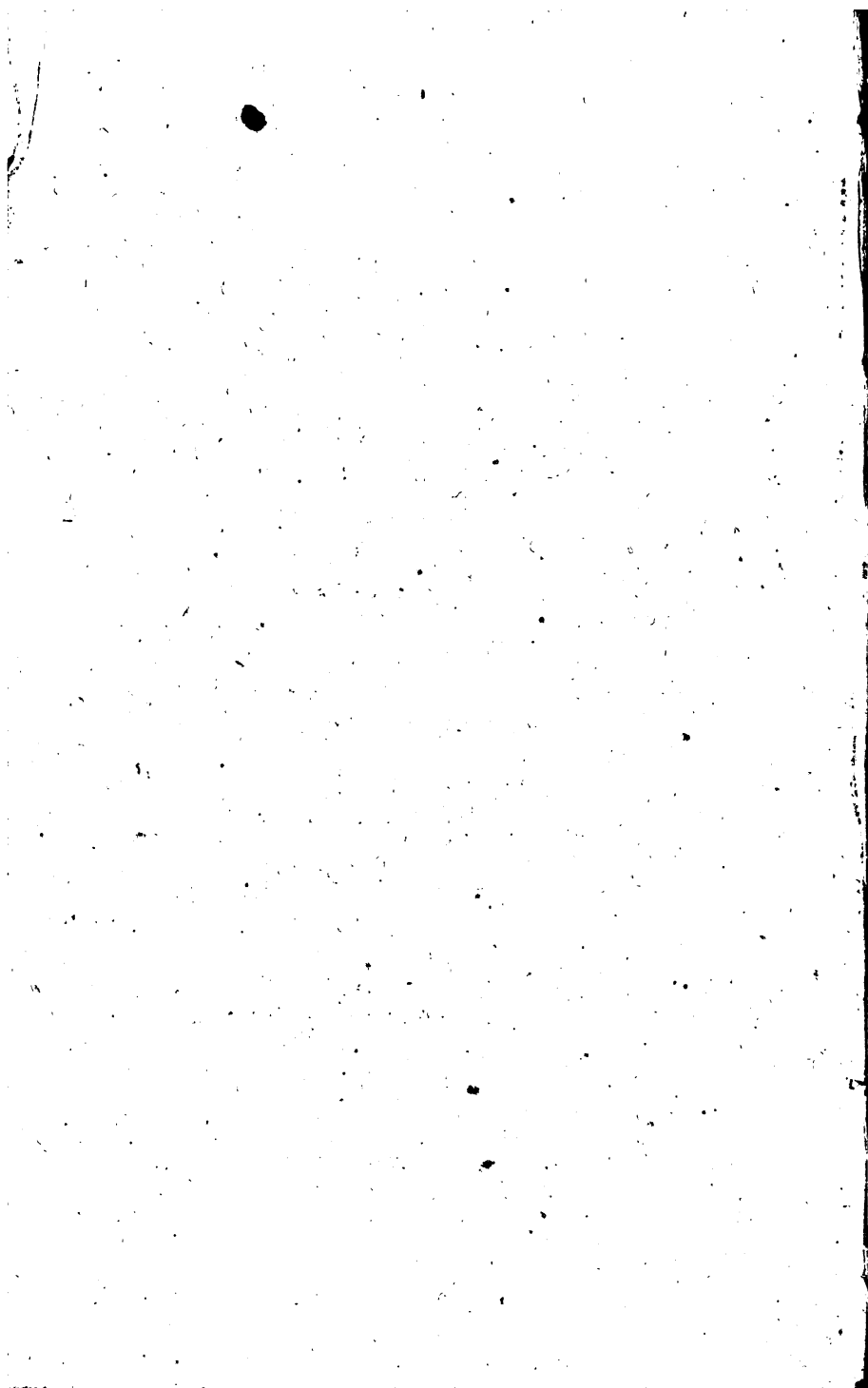
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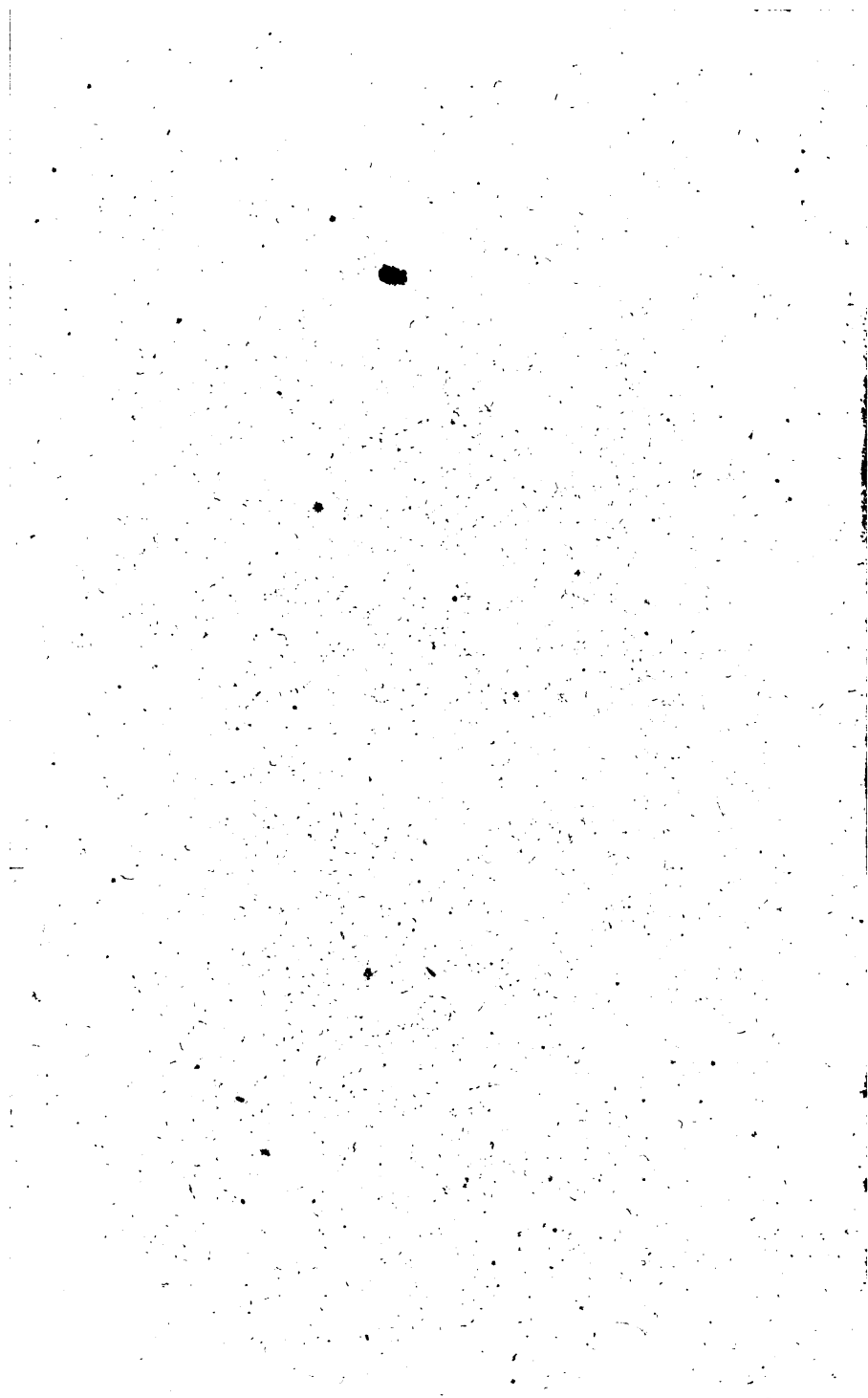


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ACTS

PASSED AT THE FIRST SESSION

OF THE

TWENTY-NINTH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE SIXTEENTH DAY OF OCTOBER 1820, AND OF THE
COMMONWEALTH THE TWENTY-NINTH.

JOHN ADAIR, GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT:

PRINTED BY KENDALL AND RUSSELLS,

PRINTED TO THE STATE.

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1821.

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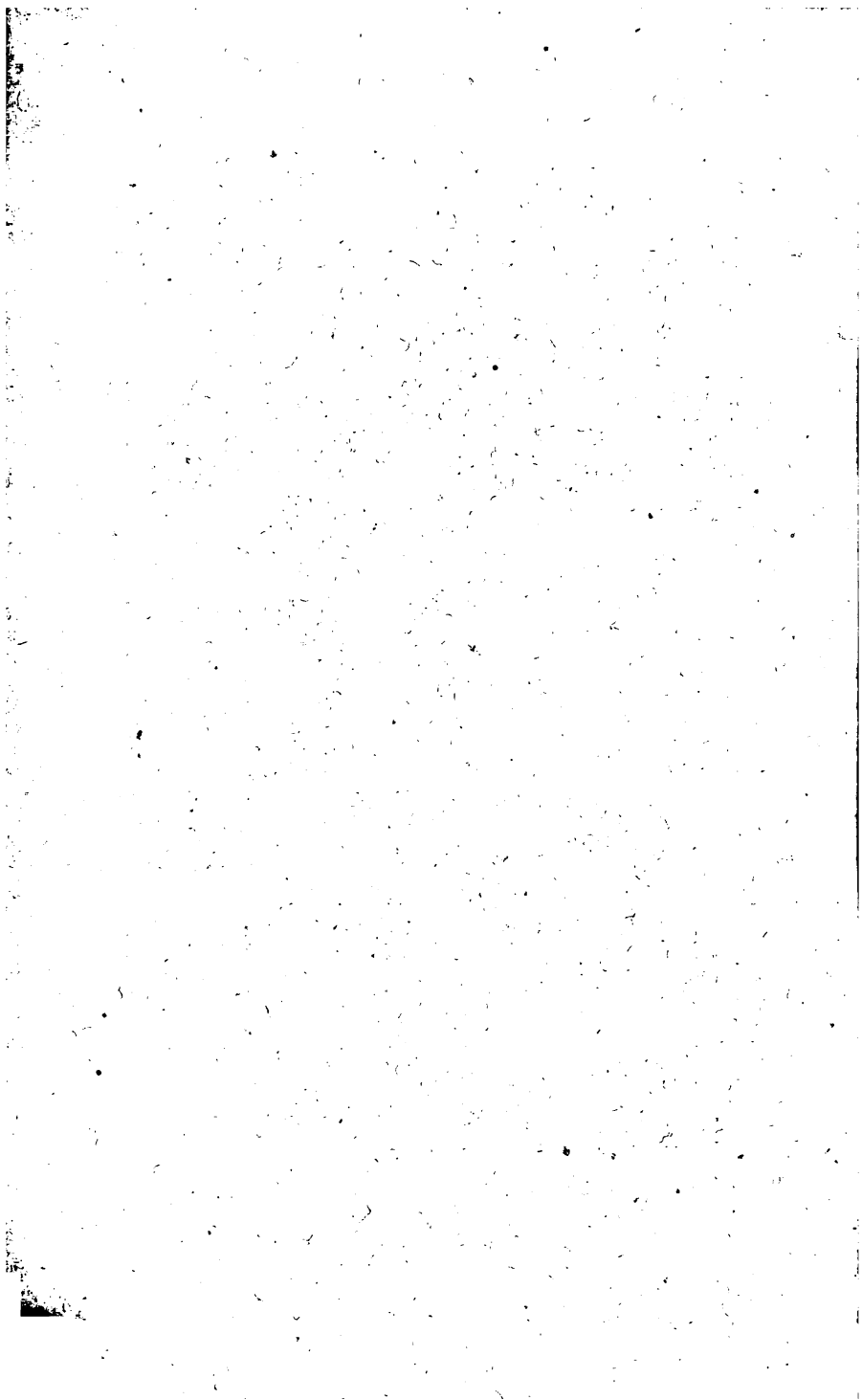
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ACTS

OF THE

GENERAL ASSEMBLY.

CHAP. I.

An ACT providing for a change of venue in the case of Mary, a slave.

Approved, October 19, 1820.

WHEREAS it is represented to the present general assembly, that Mary, a female slave, the property of Green Clay, stands indicted in the Madison circuit court for murder ; and that owing to an undue prejudice existing, as she conceives, in the county of Madison against her, she cannot have a fair and impartial trial in said circuit court : For remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next sitting of the Madison circuit court, the said slave, Mary, is hereby authorized and allowed to make her election whether she will be tried in the Jessamine circuit court or not ; and if she should not elect to be tried in the Jessamine circuit court, the Madison circuit court shall proceed to try her in the same manner as if this act had not passed.

Sec. 2. *Be it further enacted,* That if the said slave, Mary, upon her appearance in said court, shall elect to be tried in the Jessamine circuit court, such election shall thereupon, be entered of record ; and the judge of the Madison circuit court shall order the sheriff of Madison county to convey said slave, under a sufficient guard, to

May choose to be tried in Jessamine and regulations respecting such election.

the jail of Jessamine county, together with the indictment, and all papers relating to the prosecution, as well as copies of all orders of court made therein, to be made out and certified by the clerk of the Madison circuit court; and thereupon, the said sheriff shall, with all convenient dispatch, take said slave and deliver her to the jailor of Jessamine county, and take his receipt therefor, and deliver the papers and orders of court to the clerk of Jessamine circuit court, and take his receipt for the same. And the judge of the Madison circuit court shall recognize all the witnesses attending in behalf of the commonwealth, to appear on the first day of the next term of the Jessamine circuit court; attested copies of which recognizances, shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Jessamine circuit court, and be as obligatory and binding, and subject to the like proceedings thereon, as other legal recognizances now are.

Venire facias
to issue, &c.

Sec. 3. *Be it further enacted*, That the clerk of the Jessamine circuit court, is authorized to issue a venire facias, and all necessary process, in the same manner as in other prosecutions commenced in said court; and the said court shall have the same jurisdiction, and possess the same power and authority to try said slave, Mary, under said indictment, and give judgment upon the charge of murder aforesaid, as if said offence had been committed in Jessamine county, and said prosecution had originated in the Jessamine circuit court; and the prosecution shall proceed in the same manner, and the same challenge of jurors may be made: *Provided however*, that the said slave, Mary, shall not be discharged at either the first, second or third terms of the Jessamine circuit court, after the venue is changed, if through any casualty a trial shall not sooner be had.

Not to be discharged at 1st, 2d, or third term.

Regulations
respecting witnesses, &c.

Sec. 4. *Be it further enacted*, That witnesses attending the Jessamine circuit court by recognition or subpoena shall have the same pay as witnesses are now allowed by law in similar cases. And the sheriff of Madison county and his

guard, shall be entitled to the same per day, and the same mileage for transmitting and conveying the aforesaid prisoner to the county of Jessamine as are allowed by law in case of transmission of prisoners from one county to another, under charges committed in a county different from that in which an arrest is made; which shall be certified by the Madison circuit court, and payable out of the treasury in the same manner.— And if either the sheriff or clerk of the county and circuit [court] of Madison, shall fail or refuse to perform all, or any part of the duties by this act directed, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice, or a rule of court to that effect, with proper time given in the Madison circuit court, in favor of the commonwealth.

CHAP. II.

An ACT for the benefit of John Francis and Richard Slavey, and Joseph Barnett and his associates, and Marcus Huling and company.

Approved, October 31, 1820.

WHEREAS an act passed the thirty-first day of January one thousand eight hundred and eleven; and also an act on the twenty-second day of December, one thousand eight hundred and fourteen; and also an act passed on the third day of January, one thousand eight hundred and seventeen, granting certain lands to John Francis and Richard Slavey, for the benefit of salt works, upon certain conditions stipulated: And it is further represented to this general assembly, that the said Francis and Slavey, have at length obtained good salt water, and have made a considerable quantity of salt, but fearing they may not be able to complete the quantity named in the before recited acts, in the time allowed them therein: Therefore,

Recital of acts
for the benefit
of Francis and
Slavey.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of one year be, and the same is hereby

Further time
given to com-
ply with requi-

sitions of recited acts.

granted the said Francis and Slavey, to manufacture the said quantity of salt ; on their doing of which in the time aforesaid, the same shall be as effectual in securing the said land, as if they had complied with the requisitions of the before recited act.

Joseph Barnett and his associates.

Further time allowed them to comply with the provisions of said acts.

Sec. 2. *Be it further enacted*, That the further time of four years, from the passage of this act, be given to Joseph Barnett and his associates, to comply with the requisitions of the acts of the general assembly, approved the twenty-fifth day of February, one thousand eight hundred and ten, and the twenty-second day of December, one thousand eight hundred and fourteen, and the third day of January, one thousand eight hundred and seventeen ; which acts were intended for the benefit of the said Barnett and his associates, in erecting salt works at the Double Lick, on the Horse Lick fork of Rockcastle.

Marcus Huling &c.

And whereas it is further represented to this general assembly, that on the fourth day of February, one thousand eight hundred and eighteen, an act passed authorising Peter Simmerman, Andrew Erwin and Matthew Huling, to appropriate certain lands in said act specified, in the counties of Adair and Wayne ; and it appearing that in said act there was a mistake in the said Huling's christian name, he being called in the act Matthew, whereas his christian name is Marcus.

Sec. 3. *Be it further enacted*, That all the locations heretofore made by said company, by the authority of the before recited act, in the name of said firm, shall be good and valid to all intents and purposes, as though the said Huling had been called by his right name ; and all grants issuing thereon, in the name of said Marcus Huling, Peter Simmerman and Andrew Erwin, or in whatever stile said firm may assume, shall be good and valid to every intent, as though said mistake had not happened.

Sec. 4. The said Huling and company shall be allowed the further time of two years, from and after the passage of this act, to comply with the requisitions of the before recited act.

CHAP. III.

An ACT to legalize the acts of the Trustees of the Town of Lawrenceburg.

Approved, October 31, 1820.

WHEREAS it appears to the present general assembly, that the people of Lawrenceburg have failed to elect trustees from year to year agreeably to the act of assembly; and that the trustees originally appointed by the county court of Franklin, have continued to act in that office, and have executed deeds for lots in said town, and that doubts exist as to the legality of their acts: Therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the official acts of said trustees, previous to the 18th day of August, 1820, shall be as binding and valid in law, as if said trustees had been elected agreeably to the act of assembly made and provided in such cases.

Official acts of the trustees legalized.

CHAP. IV.

An ACT for the benefit of Ignatius Turley and Thomas Cooper.

Approved October 31, 1820.

WHEREAS, it appears that on the twenty-sixth day of January, one thousand eight hundred and eighteen, a patent issued to Ignatius Turley for one hundred and seventy-four acres of head-right land on commissioners' certificate, number one thousand three hundred and eighty-five, lying in Allen county, formerly Warren county; and that owing to a mistake of the surveyor in making out the certificate of the survey of said land, the courses and distances mentioned in said survey and patent, will not include the land actually surveyed and marked out by the surveyor at the time of making the survey on which the said patent issued; and the said Turley has petitioned this legislature to cause a correction of said mistake: Therefore,

Preamble.

Register to receive and cancel a patent & issue another to Turley.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the said Ignatius Turley's presenting the patent aforesaid to the register of the land-office, the said register shall receive and cancel the same, and note opposite the record of said patent, that the same has been cancelled; and thereupon the said register shall issue a patent to the said Ignatius Turley for said one hundred and seventy-four acres of land, according to a plat and certificate of said survey made out by J. R. Alexander; beginning at a sugartree and two hickories, corner to Rice's military survey; running thence south sixty-five, east one hundred and eighty poles, along a marked line to an elm and walnut, one of the original corners; thence south, five east, one hundred and eighty poles, to a black oak and sugartree, another of the original corners; thence north, sixty-five west, one hundred and eighty poles to a gum, dogwood and white oak, corner to Rice's survey; and thence with said Rice's line north, five west, one hundred and eighty poles to the beginning.

Proviso.

Sec. 2. Nothing in this act contained shall be construed to give any preference to the said Turley over the claim of any other person to the said land, but the merits of the said Turley's claim, and any prior claimant, shall be, as though this act had not passed.

Recital.

And whereas, it is further represented to the present general assembly, that on the sixteenth day of December, one thousand eight hundred and fourteen, a patent issued to Thomas Cooper for two hundred acres of head-right land, on a removed certificate, number two thousand eight hundred and sixty-eight, lying in the county of Hopkins; and that owing to some mistake of the surveyor in making out the certificate of survey of said land, the courses mentioned in said survey and patent do not include the land actually surveyed and marked out by the surveyor at the time of making the survey on which the said patent issued: Wherefore,

Sec. 3. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the

said Thomas Cooper's presenting the patent aforesaid to the register of the land-office, the said register shall receive and cancel the same, and note opposite the record of said patent, that the same has been cancelled; and thereupon the said register shall issue a patent to the said Thomas Cooper, for said two hundred acres of land, according to a plat and certificate of said survey, as made out by J. B. Ruby; beginning at a poplar, running north, twenty east, one hundred and seventy-nine poles, to a hickory; thence south, seventy east, one hundred and seventy-nine poles, to a hickory, ash and post-oak; thence south, twenty west, one hundred and seventy-nine poles, to a black-oak and white-oak; thence north, seventy west, one hundred and seventy-nine poles to the beginning.

Register to receive and cancel a patent to Cooper and issue another.

Sec. 4. *And be it further enacted*, That nothing in this act shall be so construed as to give a preference to the said Cooper over any prior claim. Proviso.

CHAP. V.

An ACT to change the place of holding the Election in the Precinct in Hopkins County.

Approved October 31, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of holding the precinct election in said county, shall be changed from the house of Thomas Givens, late William Stewart's, to the house occupied by Amos Willis in the town of Belville in said election precinct; where the election shall be held in said precinct; and the same rules and regulations shall be observed as heretofore directed and prescribed by the law establishing an election precinct in the county of Hopkins.

CHAP. VI.

An ACT for the benefit of the Heirs of Henry Rhorer.

Approved October 31, 1820.

Comm'rs. appointed to sell & convey certain lands, belonging to said heirs.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Susan Rhorer and Peter Hoover be, and they are hereby appointed commissioners with full power and authority to sell and convey the interest of the heirs of Henry Rhorer, deceased, in a certain tract of land and saw-mill on Hickman's creek in Jessamine county, on such credit as to them shall seem best.

To give bond.

The condition thereof.

Sec. 2. The said commissioners shall enter into bond with security, to be approved of by the county court of Jessamine, to apply the money arising from the sale of said land and saw-mill, to the discharging the debt owing for said property; the balance, if any, for the benefit of the heirs of said Rhorer.

CHAP. VII.

An ACT for the relief of the Heirs of Spencer Fletcher and Stephen Ferguson.

Approved October 31, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that Spencer Fletcher, deceased, late of Cumberland county, obtained a certificate for seventy acres of vacant land in said county, numbered eight hundred and thirty-eight, which was entered not long before his death, having left his widow, Fanny Fletcher, with a large family of infant children unable to procure a subsistence: Wherefore,

State price remitted to Fletcher's hrs. on 60 acres of land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Spencer Fletcher's heirs shall be allowed, upon making return to the register of the land-office, the certificate aforesaid, together with the certificate of survey for sixty acres of said entry heretofore made for said Spencer Fletcher, they shall be en.

titled to a grant to said sixty acres, and a remission of the state price and fees for the same.

Sec. 2. *Be it further enacted*, That the said survey of sixty acres, shall not interfere with any prior claim; nor shall any thing in this act contained, be so construed as to affect the right of dower that the widow of the said Spencer Fletcher holds to said sixty acres of land.

Not to interfere with prior claims.

Sec. 3. *Be it further enacted*, That the register of the land office be, and he is hereby authorised and directed to issue a patent to Nancy Ferguson, for one hundred and fifty acres of land, upon certificate number twenty-five, granted by the Adair county court to Christopher Miller, and by him assigned to Stephen Ferguson, deceased, late husband of said Nancy, without the balance of the state price being paid thereon: *Provided however*, That said Nancy shall be only entitled to hold and enjoy said tract of land during her life, and at her death it shall descend to the heirs of said Stephen.

Balance of the state price on 150 acres of land remitted to heirs of Stephen Ferguson.

Provide.

CHAP. VIII.

An ACT to change the time of holding the July Term of the Bracken Circuit Court.

Approved, October 31, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the term of the Bracken circuit court, which commences on the first Monday in July, shall hereafter commence on the fourth Monday of said month in every year, and continue six juridical days, if the business require it.

Circuit court to be hereafter held on the fourth instead of first Mondays.

CHAP. IX.

An ACT for the formation of the County of Perry out of parts of the Counties of Clay and Floyd.

Approved, November 3, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and

Boundaries of
the new coun-
ty.

after the fourth Monday in February next, all that part of the counties of Clay and Floyd, contained in the following boundaries, to wit: Beginning at the mouth of Meat Scaffold creek, on the Floyd line; thence a straight line to the mouth of Lost creek on Troublesome creek; thence a straight line passing the North Fork salt works, so as to leave them in Clay county, to the mouth of Long's creek on the Middle fork; thence up Long's creek to the Dividing Ridge, between the south and middle forks of Kentucky river; thence along the said ridge to the Pine Mountain; thence along said mountain to the Dividing Ridge between the waters of Kentucky and Sandy rivers, and with the Dividing Ridge to the head of the North fork of Quicksand; thence pursuing the ridge to the head of Scaffold creek; thence down the same to the beginning; shall be one distinct county, called and known by the name of Perry, in honor of Oliver Hazard Perry, the hero of Lake Erie.

To be called
Perry.

The justices to
meet at E.
Combs' on 3d
Monday in A-
pril.

To qualify a
sheriff and ap-
point a clerk.

County courts
to be held on
the third Mon-
days of each
month.

Circuit courts
on 4th Mon-
days in April,
July and Octo-
ber, to sit six
days.

Attached to
12th judicial
district.

Sec. 2. The justices of the peace for the county of Perry, shall meet, at the house of Elijah Combs on the third Monday in April, one thousand eight hundred and twenty-one, and after taking the necessary oaths of office, and after qualifying their sheriff agreeable to the constitution of the United States and the constitution and laws of this state, they shall proceed to appoint a clerk, to whose permanent appointment, a majority of all the justices in commission in and for said county, must concur; but if such majority cannot be obtained in favor of any one, then the court shall appoint one pro tem.

Sec. 3. The county court shall be held on the third Mondays in every month, except the months in which the circuit court shall be held; and the circuit court shall be held on the fourth Mondays in April, July and October, and may, if necessary, continue to sit six juridical days, and shall form a part of the twelfth judicial district.

Sec. 4. The circuit and county courts of Clay and Floyd counties, and the justices of the peace therein, shall have jurisdiction over all matters

in law or equity, instituted prior to the passage of this act. The courts and justices of Clay and Floyd to retain jurisdiction of all suits heretofore commenced. And the sheriffs and collectors to execute all process and collect all public dues, &c.

Sec. 5. It shall be lawful for the sheriffs and collectors in the counties of Clay and Floyd, to collect all fines and monies, and to execute all process, writs and executions as the law directs, which were put into their hands previous to the passage of this act, and account for the same as if this act had not passed.

Sec. 6. The county court of Perry shall appoint commissioners of the tax for the year one thousand eight hundred and twenty-one, who shall perform all the duties, and be governed by the laws regulating commissioners of the tax in this state; and the clerk of the county court, shall in like manner perform his duty in relation thereto. Perry county court to appoint comm'rs. of tax, &c.

Sec. 7. *Be it further enacted by the authority aforesaid,* That Hugh White and Daniel Garrard, of Clay county, and Henry B. Mayo and Harry Stratton, of Floyd county, and Hezekiah Branson, of Harlan county, be appointed commissioners to ascertain and fix on the most convenient and suitable place for the permanent seat of justice of Perry county; who shall meet at Elijah Combs' on the fourth Monday in April next for that purpose; and after a majority shall agree upon any place, they shall report to the next court. And it shall be the duty of the county court, as soon as practicable thereafter, to cause the necessary public buildings to be erected, and in every other respect lay off, and do that which may be necessary, or which may be required by law in the establishment of towns. The commissioners appointed under the provisions of this act, shall be entitled to the sum of two dollars for each day they may be necessarily engaged in the discharge of their duties, to be levied for their benefit at the first laying of the county levy. The courts for the county of Perry, shall continue to be held at the house of Elijah Combs, until the necessary public buildings are erected. Comm'rs. appointed to fix seat of justice.

Sec. 8. All that part of the county of Perry, who live above the mouth of Carr's fork, and the County court to erect public buildings.

Allowance to comm'rs. to be paid out of county levy. The courts to be held at Combs' until public buildings are erected. Regulations as to voting at c.

lections in Perry county.

settlement on Troublesome above Combs' branch, shall vote with Floyd county, and be considered as an election precinct of said county, and the polls to be compared at Prestonsburg as heretofore, and shall vote at the house of Thomas Mallet. And all that part of the county of Perry below the mouth of Carr's fork, shall vote at the house of Peter Dewees, and be considered as an election precinct of Clay county, and the polls to be compared at Manchester as heretofore; and it shall be the duty of the county court of Perry to appoint judges and clerks to the precincts as is now required by law.

CHAP. X.

An ACT directing the Clerk of the Hardin Circuit Court to perform certain duties.

Approved, November 2, 1830.

Recital.

WHEREAS it is represented to the present general assembly, that the order book containing the proceedings of the late court of quarter sessions for Hardin county, from April one thousand seven hundred and ninety-three, to February one thousand seven hundred and ninety-eight, is so much effaced and obliterated as to render a great part thereof scarcely legible, and some parts entirely lost; also, that a great number of deeds of conveyance were either acknowledged or proved before said court, and recorded by the several clerks in office during that period, without annexing thereto certificates, and the deeds so recorded exhibit no evidence of their proof or acknowledgment, and of their having been regularly ordered to record, nor can such evidence be had without reference to said order book: Therefore,

The clerk directed to copy a certain record book, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the clerk of the Hardin circuit court be, and he is hereby directed to procure a well bound book; and that he transcribe therein, in a fair and legible hand, all the proceedings of the court of quarter sessions

of said county during the period aforesaid contained in the order book thus effaced ; also, to annex to the deeds aforesaid as recorded in the deed book, the proper certificates of proof or acknowledgment (as the case may be,) and also to attach them to the original deeds in the same order and to the same extent, that such deeds and certificates stand recorded on the original book or books, so far as they remain in his office ; and when the work is done, he shall render to the county court of said county, an account on oath, specifying the price paid for the order book, together with the number of words contained therein ; and also the number of words contained in certificates, entered on the deed book and annexed to the original deeds ; and the said court shall thereupon certify to the auditor of public accounts the amount that the said clerk shall be entitled to, allowing him the price paid for the order book, and one and an half cents for every twenty words contained therein, and in the certificates to the deeds aforesaid, which the auditor is directed to allow and pay out of any taxes that may be received by said clerk on law process.

His allowance
for services, &
mode of pay-
ment.

Sec. 2: The transcript thus made, and all the certificates to the deeds and copies regularly certified therefrom, shall have the same force and effect in law or equity, as if they were copied from the original order book, or the certificates to the deeds were annexed thereto at the time they were recorded.

May certify co-
pies from the
copy made out
—which may
be admitted as
evidence.

CHAP. XI.

An ACT to appoint trustees for the town of Franklin in the county of Simpson.

Approved, November 2, 1820.

WHEREAS it appears that the commissioners appointed by virtue of the act of the legislature, entitled "an act for the erection of a new county out of the counties of Logan, Warren and Allen," approved, January twenty-eighth, one thousand eight hundred and nineteen, did in pur-

Recital

advance of the powers in them vested, purchase of William Hudgpith, about sixty-two acres of ground, upon which is established the seat of justice for Simpson, according to the provisions of said act, and which town is called and known by the name of Franklin: For the better regulation and government of the same,

Names of the trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Hail, Mason Johnston, William Hudgpith, Jacob Sears and William Hoy, be, and the same are hereby appointed trustees in and for the said town of Franklin, in Simpson county; and the same sixty-two acres of land so purchased by the said commissioners, are hereby vested in the said trustees and their successors in office.*

The trustees to cause a plan of the town to be recorded, and to execute deeds for the lots to the purchasers.

Sec. 2. The said trustees, or any three of them, shall cause a plan of said town to be made out and recorded in the clerk's office of the Simpson county court, by the first day of April next; and the said trustees, or a majority of them, and their successors in office, shall have full power and authority to convey by deed, any lot or lots in said town, to the proper person or persons entitled to the same.

Five trustees to be annually elected in April by the inhabitants of the town.

Sec. 3. The said trustees shall remain in office until the first Monday in April, one thousand eight hundred and twenty-two; on which day, and on the same day in every year thereafter, the free male inhabitants in the said town above the age of twenty-one years, shall meet at such place as the trustees for the time being may appoint and choose five fit persons for trustees to serve for one year after the election, and until their successors in office shall be duly elected and qualified; which election shall be conducted by two of the trustees to be designated for that purpose.

Election to be conducted by two of the trustees.

Trustees may pass by-laws.

Sec. 4. That the trustees thus appointed, and their successors in office, or a majority of them, shall have full power to pass and enact such by-laws and rules for the regulation of said town, as they may from time to time, think advisable, not contrary to the constitution and laws of this state.

Sec. 5. That the trustees, or a majority of them, shall have power to impose upon the inhabitants and property, real and personal, in said town, a tax not to exceed one dollar on each tithable, and not more than fifty cents on each one hundred dollars' worth of property; which money may be appropriated by the trustees of the said town, towards the improvement of the same, in such manner as to them shall seem right.—

And the said trustees shall have power to appoint an assessor and collector in, and for said town; who shall give bond and security to the said trustees, to ensure the faithful performance of the duty or duties to them respectively confided; and shall make them such compensation for their services as they may think proper. When vacancies may happen in the board, by death, resignation or otherwise, the trustees shall fill such vacancy; and the member or members, so added, shall remain in office until the next election of trustees for said town as prescribed in this act.

May impose and collect taxes on the real and personal property of tithables.

To be appropriated to the improvement of the town.

May appoint an assessor and collector.

Who are to give bond and security.

Vacancies to be filled by trustees.

Sec. 6. That in case the collector, his executor or administrator, shall fail to pay the money collected by him to the trustees as aforesaid, or to their order, the said trustees upon giving him or his representative, or upon giving him and his securities, ten days' notice in writing, may recover judgment against him and his securities, or his or their representatives, jointly or separately, in the county court of Simpson; by motion to said court.

Remedy against the collector for failing to pay over money collected.

Sec. 7. *Be it further enacted.* That the said trustees so appointed, shall at their first meeting, elect one of their own body, to act as president of the said board; and they shall appoint a clerk to the said board, and prescribe his duties; who shall continue in office for one year, or until a successor shall be appointed.

Trustees to appoint a chairman and clerk, and prescribe their duties.

To continue in office one year

Sec. 8. That if the said trustees shall at any time, fail to give notice, and to hold the election of trustees as required by this act, it shall be the duty of any justice of the peace in, and for Simpson county, upon the request of any person resident in said town or county, to give notice in

Provision for holding elections for trustees when the trustees fail to hold one.

writing at the court-house door, at least ten days; and he shall in person attend and hold the election for five trustees in the same manner as though the said election had taken place according to the provisions of the third section of this act.

Trustees to
take an oath.

Sec. 9. *And be it further enacted*, That the said trustees shall, before they enter upon the duties of their office, severally take the oath before some justice of the peace for said county, that he will, to the best of his abilities, well and truly discharge the duties of trustee, in, and for the town of Franklin; the certificate of which oath shall be entered by the clerk upon the record book of the said board. That if any trustee appointed under this act, or who may be elected according to the provisions thereof, shall fail or refuse, to take the oath aforesaid, or to act as trustee for said town, after he has been duly notified by the clerk of the board for the time being, he shall forfeit and pay, for the use of the said town, the sum of five dollars, to be collected by warrant in the name of the trustees of Franklin, before any justice of the peace for said county.

To be record-
ed.

Trustees fail-
ing to take the
oath to be fin-
ed five dollars.

CHAP. XII.

An ACT further to regulate the payment of the debt due the commonwealth for the sale of vacant lands.

Approved, November 3, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands," approved, January 11th, 1816, shall be, and the same is hereby revived and continued in force, for and during the term of one year, from and after the fifteenth day of January next.

CHAP. XIII.

An ACT further to indulge the settlers on the lands acquired by the Treaty of Tellico.

Approved, November 3, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to indulge the settlers on the lands acquired by the Treaty of Tellico," approved January 15, 1820, be, and the same is continued in force until the sixth day of January 1822.

CHAP. XIV.

An ACT for the benefit of Elizabeth Alexander and her Heirs.

Approved, November 3, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office do issue a patent to Elizabeth Alexander, for two hundred and fifteen acres of land, whereon she lives, lying in the county of Christian, on the waters of Pond river, according to a plat and certificate of survey thereof, signed Francis Summers, and on which he has put the names of John Miltholton, William Thompson, chain carriers, and Thomas Fruit, marker.*

Patent to issue
to Elizabeth
Alexander.

Sec. 2. *Be it further enacted, That all the right and title of this commonwealth, to the said land, shall be vested by the said patent, in the said Elizabeth Alexander, for, and during her life, and after her death descend to, and vest in her children now living, and their heirs and assigns forever.*

Title vested,
how to descend.

CHAP. XV.

An ACT to amend an act entitled an act to amend an act to open a road from Mountsterling to the Virginia line, by the way of Prestonsburg, and for other purposes, approved, February 4th, 1820.

Approved, November 3, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that some doubts exist as to the true meaning of the third section of an act entitled "an act to amend an act to open a road from Mountsterling to the Virginia line, by way of Prestonsburg, and for other purposes," approved February 4th, 1820: For remedy whereof,

Undertakers to be allowed more than the stipulated sum in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the commissioners of said road, shall, after impartially ascertaining the value of the labour done on said road by each undertaker, and if the value of the labour of said undertakers, or either of them, shall exceed the amount stipulated to be paid them, or either of them, then, and in that case, said commissioners shall give a certificate or certificates, agreeably to the provisions of the before recited act, having due regard to a just proportion agreeable to the value of the labour performed by each undertaker, over and above the amount stipulated to be paid to them, or either of them.

CHAP. XVI.

An ACT regulating the mode of admitting to the Bar, Attornies at Law of adjoining states.

Approved, November 7, 1820.

Conditions of admission.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the courts of this state, be authorized to admit to the bar as practising lawyers, in said courts, the attornies at law of adjoining states, who have been regularly admitted to practise in the superior courts of such states: *Provided,* that the courts

of such states extend the same privilege to attorneys at law who are citizens of this state.

Sec. 2. The manner of admitting said attorneys at law of adjoining states to practise in the courts of this state, shall be regulated by the terms on which the attorneys residing in Kentucky are allowed to practise in the courts of such adjoining states: *Provided*, that in no instance, shall such terms of admission relieve them from the same responsibility for the faithful discharge of their professional duties, which the laws of this state impose on attorneys who are resident therein.

CHAP. XVII.

An ACT to establish a Public Library at the Seat of Government.

Approved, November 9, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the secretary of state, by, and with the advice and consent of the governor for the time being, to sell or exchange such portion of the decisions of the court of Appeals, now published, or which may be hereafter published, and acts of assembly, or other books belonging to this commonwealth, as they may deem expedient, and which may not be otherwise appropriated by law; and out of the proceeds thereof, purchase such other Books, Charts or Maps, as they may think proper.

Secretary of state to sell or exchange certain books belonging to the state, and procure others.

Sec. 2. *Be it further enacted*, That the Books, &c. so purchased, shall be kept in the Secretary's office, or in such other place as the general assembly may designate by law, or by joint resolution of both houses: And said Books shall remain for the use of the officers of government and members of the legislature during each session, the judges of the court of Appeals and General court. The Secretary of state shall prescribe such rules for the safe-keeping of said books, also the manner and time of taking out

Library to be kept in Secretary's office, &c.

To be used by the members of the legislature and officers of government.

The Secretary to prescribe rules relative

required to erect a slope upon his mill-dam on Chaplin's fork of Salt river; and as it is represented to the present legislature, that the said Beauchamp's mill was consumed by fire, since which time, Joseph M'Closky has become interested therein, and it is thought right that further time should be allowed them for the erection and completion of the said slope :

One year allowed them to build a slope to their mill-dam, on Chaplin's fork.

Comm'rs. appointed to designate the point on the dam where the slope shall be built.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of one year in addition to the time allowed by said act, be allowed to the said Beauchamp and Joseph M'Closky, to comply with the requisitions of the said law.

Sec. 2. *Be it further enacted,* That the said Beauchamp and M'Closky shall, when they are ready to commence the work upon said slope, call upon Henry Bain, Leroy Gregory and Nathan Ward, who, or any two of them, shall direct the point on said dam upon which the said slope shall be built.

CHAP. XXI.

An ACT concerning the salaries of Commonwealth's Attornies.

Approved, November 9, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the salaries of commonwealth's attornies payable out of the public treasury, shall hereafter be payable quarterly as other officers are now paid.

Salaries to be paid quarterly.

CHAP. XXII.

An ACT to erect Election Precincts in certain Counties in this Commonwealth, and for other purposes.

Approved, November 9, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that

part of the county of Madison included in the following bounds, to wit : Beginning at the Roundstone lick on Rockcastle, and running a direct line to the mouth of the Brushy fork of Silver creek ; thence a direct line to John P. Ballard's on the road leading from Richmond to the Hazlepatch ; thence with the road leading from the said Ballard's to Richard Tunstall's mill ; thence a direct line to the Copperas lick ; thence to Martin Kindred's living on the line that divides the counties of Estill and Madison ; thence with the said line to the Clay county line ; thence with the line dividing Clay and Madison counties to the Rockcastle line ; thence with the Rockcastle line to the beginning ; shall be an election precinct in the county of Madison ; and that the election be held at the house of Thomas Francis, known and called Bray's place, on the top of the big hill in said precinct.

Bounds of the election precinct in Madison county.

Sec. 2. *Be it further enacted.* That all that part of the county of Floyd included in the following bounds : Beginning at the mouth of Blackwater in the Floyd county line on Licking river ; thence with the same to the mouth of Hunting creek on Quicksand ; thence up the same to where the Red river trace leaves it ; thence with the said trace to the head of Red river ; thence with the dividing ridge between the waters of Red river and Licking to the ridge which divides the waters of Cane creek and Grassy, and with the said ridge to Licking river ; thence down said river to the beginning ; shall be an election precinct in the county of Floyd ; and the elections shall be held at the house of Holloway Power in said precinct.

Elections to be held at house of Thos. Francis.

Bounds of the precinct in Floyd county.

Sec. 3. *Be it further enacted,* That all that part of the county of Nicholas north of Licking river, shall be an election precinct in the county of Nicholas ; and that elections be held at George Fielder's mill in said precinct.

Elections to be held at Powers'.

Bounds of the precinct in Nicholas county.

Sec. 4. *Be it further enacted,* That all that part of the county of Bath within the following boundary, to wit : Beginning at the mouth of Lane's branch ; thence with the Montgomery county line to the road leading from Mountster-

Bounds of the precinct in Bath county.

Elections to be held at Sharpsburg.

Bounds of the precinct in Mason county. Elections to be held at Pepper's.

County courts to appoint judges and clerks.

Sheriffs to attend and conduct elections in the precincts, and to compare polls.

Proviso.

Place of holding elections in the northern precinct in Shelby county changed.

ing to the mouth of Flat creek, near Alexander M'Intire's farm ; thence with said road to Flat creek, near captain Elisha Catlett's farm ; thence a direct line to Licking river, one mile above the mouth of Locust ; thence down Licking to the Nicholas county line ; thence with said line to Hinkston ; thence up the same to the beginning ; shall be an election precinct in the county of Bath ; and that elections be held at the house of Walter Caldwell, in the town of Sharpsburg in said precinct.

Sec. 5. *Be it further enacted*, That all that part of the county of Mason south of the North fork of Licking, be an election precinct in the county of Mason ; and that elections in said precinct be held at the house of William H. Pepper, in the village of Mayslick.

Sec. 6. *Be it further enacted*, That the county courts of Madison, Floyd, Nicholas, Bath and Mason, shall respectively, at the time of appointing judges and a clerk to conduct the election at the court-house, appoint a clerk and judges to conduct the election in said precincts ; and if the clerks or either of the judges fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

Sec. 7. *Be it further enacted*, That the sheriffs of the counties aforesaid, shall by themselves or deputy, attend the election in their respective precincts, and shall conduct the same according to law ; and they shall meet at their several court-houses on the Saturday succeeding the close of the election, and compare the polls according to law : *Provided*, that nothing herein contained shall prevent the qualified voters in said precincts from voting at their court-houses.

Sec. 8. That so much of the law establishing an election precinct in the northern part of Shelby county, which requires the election to be held at the house of James Hackett, shall be, and the same is hereby repealed ; and that hereafter the election in said precinct, shall be held at the house of James Wilson, in the town of Christiansburg.

CHAP. XXIII.

An ACT adding a small part of Owen County to the County of Franklin.

Approved, November 16, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Owen county be added to the county of Franklin, which lies within the following bounds, to wit: Beginning at West's landing on the Kentucky river, running to Van West's, including said West in Franklin county; thence a straight line to the nearest point of the Franklin and Owen county lines: Provided, that any suit or suits pending in any court of law or equity, or before any justice of the peace, against any person or persons in that part of Owen, previous to the passage of this act, may be proceeded in and prosecuted as heretofore: And provided, that the sheriff and other civil officers of the county of Owen, who may at the time have any process in their hands against any such person or persons, may execute the same, and may also collect any taxes, fines or county levies, which at said time may be in their hands for collection, in the same manner as if this law had not passed.

Bounds of the territory added.

Provision as to suits pending at the time of separation.

Service of process, and for the collection of public dues, &c.

CHAP. XXIV.

An ACT to authorise the insertion of Advertisements in the Wasp and Independent Gazette, and the Olive Branch.

Approved, November 16, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to insert and publish in the Wasp and Independent Gazette, printed in Georgetown, Kentucky, and the Olive Branch, printed in Mercer county, Kentucky, any and all advertisements which are required and authorised to be published in any newspaper in the state of Kentucky, except such advertisements as are required by law to be published in the paper of

the public printer only ; and the editors of said papers shall be governed by the same rules, and entitled to the same fees as other printers in this commonwealth.

CHAP. XXV.

An ACT for the benefit of Mary Neal, Mary Webb and Andrew Lore.

Approved, November 18, 1820.

One hundred
acres of land
given to Mary
Neal.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office be, and he is hereby authorised to issue a land warrant to Mary Neal, a poor widow of Wayne county, of one hundred acres, without the treasurer's receipt for the amount paid ; and the register is further authorised on the return of the warrant and survey, to register the same without fee, and to issue a patent as in other cases : *Provided however*, that the said Mary Neal shall have her right of dower in said land during her natural life, and at her death the land shall descend to her children now living.

Proviso.

One hundred
acres of land
given to Mary
Webb.

Sec. 2. That the register of the land office be, and he is hereby authorised to issue a land warrant to Mary Webb, a poor widow of Clay county, for one hundred acres of land, without the treasurer's receipt for the state price ; and the register upon the return of the warrant and survey, shall register the same without fee, and issue a grant as in other cases : *Provided however*, that the said Mary shall have her right of dower in said land during her life, and at her death it shall descend to her children now living.

Proviso.

One hundred
acres of land
given to An-
drew Lore.

Sec. 3. That the register of the land office be, and he is hereby authorised to issue a land warrant for one hundred acres, to Andrew Lore, a poor person of Clay county, without the state price being paid therefor ; and the register is authorised on the return of the warrant and survey, to register the same without fee, and issue a grant therefor as in other cases : *Provided*, that the

Proviso.

said Andrew shall have the fee-simple estate in the land during his life, and at his death the land to descend to his heirs.

CHAP. XXVI.

An ACT to appoint an additional number of Justices of the Peace in certain Counties in this Commonwealth.

Approved, November 16, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed and commissioned according to the laws now in force, two additional justices of the peace in and for the county of Simpson; one for the county of Hopkins; one for the county of Nicholas; two for the county of Whitley; two for the county of Harlan; three for the county of Trigg; one for the county of Fleming; two for the county of Grant; one for the county of Christian; two for the county of Daviess; one for the county of Harrison; two for the county of Jefferson; one for the county of Hart; one for the county of Allen; one for the county of Franklin, whose residence shall be in Lawrenceburg; and two for the county of Henderson.

Additional justices of the peace to Simpson county, Hopkins, Whitley, Harlan, Trigg, Fleming, Christian, Daviess, Harrison, Jefferson, Hart, Franklin, Henderson.

CHAP. XXVII.

An ACT to change the place of holding Elections in the Precinct in Campbell County.

Approved, November 18, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the elections directed by law to be held at the house of Elijah Grant in the precinct in Campbell county shall hereafter be held at the house of Nathaniel Vise in the county and precinct aforesaid; and that all the qualified voters in said county of Campbell, may vote either at the court-house of said county in the town of Newport, or at the

Elections in the precinct to be held at the house of Nathl. Vise.

place aforesaid for holding the election in the precinct.

Voters to be
ferried over
Licking gratis.

Sec. 2. *Be it further enacted*, That on all election days, the said Nathaniel Vise shall immediately and without delay, safely transport across Licking river, any and every qualified voter of Campbell county, either on foot or on horseback, who may be going to, or returning from said election, free of all costs and charges for ferriage rates.

Repealing
clause.

Sec. 3. *Be it further enacted*, That so much of any and every law, erecting a precinct in the county of Campbell, as directs elections to be held at the house of Elijah Grant, be and the same is hereby repealed.

CHAP. XXVIII.

An ACT for the relief of Sandford Keen.

Approved, November 18, 1820.

WHEREAS it is represented to the present general assembly, that Sandford Keen, a tavern keeper in the town of Lexington, had in the year one thousand eight hundred and nineteen, entered with the commissioner of tax for the county of Fayette, two billiard tables, whereby he became liable for the payment of four hundred dollars tax for the said year; and that previous to the expiration of the year, the Hotel of the said Keen was consumed by fire, and the said billiard tables broken down and destroyed: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Keen be, and he is hereby released from the payment of the said tax.

CHAP. XXIX.

An ACT to amend an act entitled an act establishing the Prestonsburg Academy in the county of Floyd, approved, January 13, 1820.

Approved, November 18, 1820.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth and sixth sections of the act entitled "an act establishing the Prestonsburg Academy in the county of Floyd," approved, January the thirteenth, one thousand eight hundred and twenty, be, and the same are hereby repealed.

Fifth and sixth sections of recited act repealed.

Sec. 2. That the trustees of the seminary lands in Floyd county, annually, at the May or June term of the Floyd county court, shall settle with, and pay over to the said court, all moneys by them collected from the sales of said lands, and said court shall deduct in favor of said trustees, all lawful expences and costs in advertising and selling said lands, and collecting the money arising from such sales; and said trustees in making such settlement, shall produce the original list of sales, shewing the name or names of the purchaser or purchasers, with the amount of each sale; and shall also produce the bond or bonds (if requested,) shewing the amount collected, and the amount remaining due and uncollected, under the penalty of twenty dollars for each failure, which settlement shall be recorded in the clerk's office of said court, and when the said trustees shall fail or refuse to make such report at the time required by this act, it shall be the duty of the clerk of said court to note such failure, and issue a summons for such trustees to appear on the first day of the next court, to be held for said county, to shew cause why they shall not be fined agreeably to the provisions of this act.

Trustees of the seminary lands to settle annually with the county court, and pay over the amount collected for sales.

Penalty for a failure. Settlement to be recorded.

Sec. 3. That the said court shall pay over to the trustees of the Prestonsburg Academy, all moneys by them so received for the use of said Academy, and take their receipt for the same, which shall be filed in the clerk's office of said court; and the trustees of the seminary lands in said county, shall proceed to collect all moneys that

County court to pay over the money to the trustees of the academy.

Trustees of seminary lands.

to collect all money due or to become due and pay it to the county court. may be due, or may become due, and uncollected, and shall pay over, settle and account for the same as aforesaid.

Trustees of the academy to report annually to the county court their proceedings—their receipts and expenditures, &c. Sec. 4. *Be it further enacted, That* the trustees of the Prestonsburg Academy, and their successors in office annually, at the May or June term of the Floyd county court, shall make a report to said court of their proceedings, which report shall contain a true statement of all debts due to said institution, together with all moneys in their hands unappropriated, and such sums as may have been appropriated by them; and all sums received from fines and forfeitures, and any donations they may have received, and the amount of all bonds by them taken, with the names of the obligors and their securities, for the performance of any work in erecting the buildings for the said Academy, or otherwise, together with all expenditures by them made in the preceding year, at the time prescribed by this act, under the penalty of twenty dollars; which report shall be filed in the clerk's office of said court.

Trustees of academy may sue the trustees of the seminary lands. Sec. 5. That it shall be the duty of the trustees of the said Academy, to institute any suit or suits in their corporate capacity against the trustees of the seminary lands in said county for any default or failure to comply with any of the requisitions of this act, or the act to which this is an amendment, and such suit or suits may be brought before any circuit court, or justice of the peace as the case may require.

The duty of the clerk of Floyd, in relation to the provisions of this act. Sec. 6. That it shall be the duty of the clerk of the said court to note any failure of the trustees of said Academy, and issue a summons for said trustees to appear on the first day of the next court to be held for said county, to shew cause, (if any they can) why they shall not be fined agreeably to the provisions of this act.

CHAP. XXX.

An ACT providing for the appointment of commissioners to confer with commissioners from Virginia, to fix the point where the road leading from Mountsterling to the Virginia line shall cross it.

Approved, November 23, 1820.

WHEREAS it is represented to the present general assembly, that the governor of the state of Virginia, agreeably to an act of the general assembly of that state, has appointed commissioners on the part of Virginia for the purpose of ascertaining the nearest, best and most practicable way for opening a road to the Virginia line, to meet a road to be opened from Mountsterling to the Virginia line by way of Prestonsburg.

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Graham and Harry Stratton of Floyd county, be, and they are hereby appointed commissioners on the part of this state, with full power and authority to meet any commissioner or commissioners on the part of Virginia, that may have been appointed or shall hereafter be appointed, for the purpose aforesaid, and it shall be the duty of said commissioners, when they may have agreed on, and fixed the point where said roads shall meet on the state line, to report specially, under their hands and seals to the governors of the respective states: *Provided however*, that one commissioner from each state shall be sufficient to perform the duties required by this act.

Commissioners.

Their duty.

Reports.

Proviso.

Sec. 2. The said commissioners herein appointed, or either of them that may act, shall be entitled to the sum of two dollars and fifty cents per day for their services; and on making satisfactory proof to the county court of Floyd, the time they, or either of them, have necessarily been employed in discharge of said duties, it shall be the duty of said court to certify the same to their next court of claims, which shall be laid in their levy.

Compensation of commr's.

CHAP. XXXI.

An ACT for the benefit of Philemon Waters.

Approved, November 23, 1820.

Certain acts
legalized.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts, be, and he is hereby authorized and directed, to receive a report made by Philemon Waters, one of the commissioners of the Rolling Fork of Salt River, for the amount of eight hundred and twenty dollars fifty cents, being the amount laid out and expended by him in the present year upon said river, as certified by the county court of Washington, at their October term, 1820; and to credit said commissioner with the aforesaid amount.

CHAP. XXXII.

An ACT authorising a change of Venue in the case of William Chamberlain.

Approved, November 23, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that William Chamberlain stands indicted in the Monroe circuit court upon a charge of murder, and that owing to the undue prejudice and improper influence of the friends of the deceased, and many other citizens of the said county, the said William Chamberlain cannot have a fair and impartial trial in said circuit court, and for as much as it is incompatible with the genius of our government, and civil liberty, that persons accused with any crime, should be tried by prejudiced or partial jurors: For remedy whereof,

May elect to
be tried in
Cumberland.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That at the next sitting of the Monroe circuit court, whether a regular or special term, the said William Chamberlain, upon appearing in court to answer said indictment, may, and he is hereby authorised and allowed to make his election whether he will be tried upon said indictment in*

the Cumberland circuit court or not, and if he should not elect to be tried in the said Cumberland circuit court, the said Monroe circuit court shall proceed to try said William Chamberlain upon said indictment, in the same manner as if this act had not passed.

Sec. 2. That if the said William Chamberlain, shall, when the question is put to him by the judge of the Monroe circuit court, elect to be tried in the Cumberland circuit court, the court shall have his election entered upon record, and the clerk of Monroe circuit court shall make out a certified copy of all the orders taken in said cause to be sent with the indictment and the other papers belonging to the prosecution, to the clerk of the Cumberland circuit court in the manner hereinafter directed. Upon the said William Chamberlain making his election to be tried in the Cumberland circuit court, the Judge of the Monroe circuit court shall direct and order the sheriff of Monroe county, forthwith to convey the said William Chamberlain to the jail of Cumberland county, and deliver him to the jailor of said county of Cumberland, who is hereby authorised and directed to receive into his jail and custody, the body of the said William Chamberlain, and to give said sheriff his receipt therefor; and shall also keep the said William Chamberlain in said jail until he shall be discharged by due course of law. Said sheriff shall, and he is hereby authorised to summon such guards as he may think fit, to assist him in conveying said prisoner to the jail of Cumberland county, and the sheriff and guard shall be allowed the same as is now allowed by law for similar services. And the said court shall recognize all witnesses for the commonwealth in said prosecution, to appear on the first day of the next term of the Cumberland circuit court, or in case of a called court, at such time as the said court may designate, which recognizances shall be as obligatory on the witnesses as other recognizances are when taken by virtue of any law now in force upon that subject; copies of which recognizances shall be transmitted, with the other papers be-

Regulations if
such election
is made.

longing to the prosecution, to the clerk of the Cumberland circuit court, and be as binding and subject to the like proceedings as other legal recognizances now are.

Duty of the clerk and sheriff of Monroe.

Sec. 3. That as soon as practicable after the order of the election made as aforesaid, the clerk of the Monroe circuit court shall make out certified copies of all the orders made in his court, in said prosecution, and shall deliver them, together with the indictment, and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all practicable dispatch, take said papers and indictment and deliver the same to the clerk of the Cumberland circuit court, and take his receipt therefor; and the sheriff shall

Sheriff's fees.

be allowed six cents per mile in going to, and returning from Cumberland county, to be paid out of the public treasury. And the said clerk of the Cumberland circuit court, shall be, and he is hereby authorised to issue a *venire facias*, *subpoenas* and all other necessary process, as though the said indictment had commenced in his own court; and the said Cumberland circuit court, shall have the same jurisdiction, and possess the same power to try said William Chamberlain upon said indictment, pronounce judgment, and cause the same to be executed as they would have had if said offence had been committed in Cumberland county, and the prosecution been commenced and indictment originated in the Cumberland circuit court; and the prosecution shall proceed in the same manner, and the same challenge of jurors may be had, and in every respect subject to the same course as though the offence had been committed in the said county of Cumberland. *Provided however*, that the said William Chamberlain shall not be discharged either at the first, second or third terms of the Cumberland circuit court, after said change of venue, if through any casualty a trial shall not be sooner had.

Penalty on clerk and sheriff.

Sec. 4. That if either the sheriff or clerk of the Monroe circuit court, shall fail to comply with all, or any part of the duties enjoined on them by this act, each of them shall be subject

to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time in the Monroe circuit court in favor of the commonwealth, which fine or fines, sum or sums, shall be applied as other fines are now directed by law of a similar nature.

Sec. 5. That the witnesses attending the Cumberland circuit court by recognizance or sub, pœna, shall be allowed the same per day and the same for travelling, as other witnesses going out of the county, by legal process.

CHAP. XXXIII.

An ACT concerning the duties of the Register of the Land Office.

Approved, November 23, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when the owner of a certificate given by the register of the land office for the purchase of lands for the non-payment of instalments, shall produce an affidavit, signed by him, her or them, (and made before a justice of the peace or the register of the land office) that said certificate is lost or mislaid, and that the said owner has not been able to find the same, and that said certificate has not been assigned by said owner to any other person or persons, (if such is the fact, or that it has been assigned if such is the case,) and to whom; where, upon the original owner may obtain from the register of the land office, a duplicate certificate of such purchase, and he shall file in his office, said affidavit, and issue a grant to the original purchaser or his heirs, or to the assignee or assignees, or his or their heirs: *Provided*, said duplicate certificate shall be assigned by endorsement thereon, attested by two witnesses, to such former or other assignee or assignees.

Regulations concerning the owners of certificates.

Duplicate certificates may be obtained & regulations in that respect.

Provide.

Sec. 2. Any affidavit made, subscribed and filed with the register of the land office, under this act, which shall be substantially false, shall be deemed, and held to be perjury in the person making the same.

False affidavit considered perjury.

CHAP. XXXIV.

An ACT for the benefit of Jincy Dodds.

Approved, November 23, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that Jincy Dodds, of Livingston county, is extremely poor, has a family to support, is a cripple and unable to pay the balance of the state price on 200 acres of poor land which she has had surveyed, registered and paid several instalments thereon, and the legislature feeling willing to alleviate the wants of the poor : Therefore,

Donation of
land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the balance of the state price on 200 acres of land, on certificate No. 1,023, granted by the Livingston county court, be, and the same is hereby remitted to the said Jincy Dodds, and the register of the land office be, and he is hereby required to issue to her a grant therefor, agreeably to a plat made out and registered : *Provided however,* that nothing herein contained, shall give her any advantage over any other patents previously issued.

Proviso.

CHAP. XXXV.

An ACT for the benefit of Catharine Wilkinson.

Approved, November 23, 1820.

Estate of an alien
vested in
her.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Catharine Wilkinson, widow of Benjamin Wilkinson, deceased, who departed this life in the county of Washington in this commonwealth, being an alien and intestate and without issue, shall be entitled to all the real estate and negroes of which the said Benjamin died, seized, possessed of, or entitled to, in the said commonwealth, in the same way, and with the same effect, as if the said real estate and negroes had been by the last will and testament of the said Benjamin, devised to the said Catharine, and her heirs and assigns forever.

Sec. 2. Any claim of escheat which the commonwealth of Kentucky has to the real estate aforesaid, shall be, and the same is hereby vested in the above named Catharine.

CHAP. XXXVI.

An ACT for the benefit of Anne Edins and Mary Folden.

Approved, November 23, 1820.

WHEREAS it is represented to the present general assembly, that Henry Edins, late of Casey county, departed this life leaving Anne Edins, his widow, and seven children in extreme poverty; that he left them living on a small tract of land in said county, with a part of the state price due thereon: Also, that John Folden, of Adair county, departed this life leaving Mary Folden, and several children in indigent circumstances, residing on a small piece of land in said county, with the state price due thereon: For the purpose of affording the aforesaid widows some means of raising and supporting their children, in consideration of their poverty and helpless condition,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office, be, and he is hereby authorised and directed, to issue to Anne Edins, of Casey county, widow, and relict of Henry Edins, a patent for 182 acres of land in Casey county, part of 344 acres, granted to said Henry, by the county court of Lincoln county, upon a certificate, No. 39, without the state price being paid thereon; which patent shall issue upon a plat and certificate, being returned as in other cases: *Provided however,* that the said Anne shall possess a life estate only in said lands, and at her death, the same shall descend to the legal heirs of said Henry and Anne, in the same manner it would have done if the grant had issued to said Henry in his life time, to be amongst them equally divided.

Donation of
land to Edins.

Proviso.

Donation of
land to Folden

Proviso.

Sec. 2. That the register of the land office, be, and he is hereby authorised and directed, to issue a patent to Mary Folden, of Adair county, widow and relict of John Folden, deceased, for 150 acres of land, without the state price being paid thereon, it being the residue of 369 acres taken by said John Folden in his life time, upon an Adair county court certificate, No. 496 ; which grant shall issue to the said Mary Folden, upon her filing with the register, a plat and certificate of survey for the aforesaid 150 acres as in other cases : *Provided however*, the said Mary shall only have and enjoy a life estate in said land, and at her death, the same shall descend to the heirs of said John Folden, in the same manner it would have done if the grant had issued to said John in his life time.

CHAP. XXXVII.

An ACT for the benefit of the Heirs of Robert Coleman and Moses Sharpe, deceased.

Approved, November 23, 1820.

Preamble.

Further proviso.

WHEREAS it is represented to the present general assembly, that Robert Coleman in his lifetime, sold to a certain Levi Moore, one hundred and twelve acres of land, part of a tract of about five thousand acres, situate in the counties of Bracken and Pendleton ; that said Moore has been duly evicted by due course of law from said land, and has instituted suit upon the deed of general warranty made him by the said Robert Coleman, deceased, against John H. Coleman and Sarah Coleman, administrator and administratrix of the said Robert : And it being also represented that the said Moore is willing to adjudge said suit and take a conveyance for one other one hundred and twelve acres, part also of said tract of five thousand acres in payment and discharge of his said demand ; and that such an adjustment will be advantageous to the heirs of the said Robert, most of whom are infants ; And whereas, Moses Sharpe and John Penix, did in

conjunction, lay off a town on their lands in the county of Bath, called Bloomfield, now Sharpeburg, and sold out lots to divers purchasers, some of whom have paid part of the purchase money, and executed their notes for the balance; and the said Moses Sharpe having departed this life intestate, before he had completed the conveyance of the title to said purchasers, leaving one infant heir, to wit: Thomas Sharpe, by reason of which, the said heirs cannot now make deeds that will convey the title on account of the disability of one of them; and the purchasers withholding payment for this cause, it being important to his estate that said heirs should receive payment of said purchasers; and one of the brothers of said infant heirs, to wit: Richard Sharpe with his mother, Elizabeth Sharpe, having administered on the estate of the said Moses.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said John H. Coleman and Sarah Coleman be, and are hereby appointed commissioners, with full power and authority to make such adjustment on the part of the said infant heirs, in conjunction with those of full age, and to convey by deed with general warranty, the quantity of one hundred and twelve acres, part of the tract of land aforesaid, to the said Levi Moore, for and in behalf of the infant heirs aforesaid, in conjunction with the others of full age, having due regard to the interest of the said infant heirs.

Comm'rs. appointed, and their duty.

Sec. 2. *Be it further enacted,* That said Richard Sharpe and Elizabeth Sharpe be, and they are hereby appointed commissioners with full power to execute in behalf of Thomas Sharpe, the said infant heir, in conjunction with the other heirs of said Moses, a deed or deeds, to said purchaser or purchasers of said lots, agreeable to the contract of sale as made by said Moses in his lifetime; which deed or deeds, so executed by said commissioners, shall vest the title of said infant heir in fee-simple, in the purchaser or purchasers, their heirs or assigns: *Provided,* that said Richard Sharpe and Elizabeth Sharpe, before they execute the powers given by this act,

Rich'd. Sharpe and Elizabeth Sharpe appointed commissioners; their powers & duty.

To enter into bond, &c. shall enter into bond with security, to be approved by the county court of Bath, in such penalty as they shall prescribe, to the said infant heir, conditioned to render an account and payment to said infant heir or his guardian, his just proportion of the purchase money, to be received by them for said lots.

CHAP. XXXVIII.

An ACT for the benefit of Eli Mavell.

Approved, November 23, 1820.

Preamble. WHEREAS it is represented to the present general assembly, that a mistake took place in making the transfer of a county court certificate, in the name of Agnes M'Lain to Eli Mavell, calling him Levy Mavell ; that the state price has been paid on the land, and two patents issued for the same.

Register to correct error. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register be, and he is hereby authorised, upon the production of the patents, to correct the same by inserting the name of "Eli Mavell" instead of "Levy Mavell," and also to correct the record thereof, and redeliver the patents : *Provided*, that the patents so corrected, shall not affect the claim of any person who has a prior valid claim.

CHAP. XXXIX.

An ACT to repeal in part an act concerning County Levies and certain Officers' Fees, passed February 8th, 1815.

Approved, November 23, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act entitled "an act concerning county levies and certain officers' fees," passed February 8th, 1815, as directs and authorises notes on the Ken-

tucky Insurance Company to be received in payment of county levies, officers' fees and militia fines, be, and the same is hereby repealed.

CHAP. XL.

An ACT granting a Divorce to Elizabeth Western.

Approved, November 23, 1820.

WHEREAS, it appears that James Western, the husband of Elizabeth Western, who has petitioned for a divorce, is habitually a drunkard, has wasted and dissipated his estate by gambling and debauchery; that he has frequently beat and cruelly treated her, and that there is no prospect of reformation; but that said Western has abandoned his wife with seven children: Therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Elizabeth Western, formerly Elizabeth Gale, be, and she is hereby absolved and released from the bonds of matrimony; and the said Elizabeth is hereby restored to, and invested with all the privileges and immunities of a single woman, as fully as if the marriage between the said Elizabeth and James Western had never been solemnized.

Divorced.

CHAP. XLI.

An ACT for the benefit of the Heirs and Representatives of Robert Hindman, deceased.

Approved, November 23, 1820.

WHEREAS it appears, that Robert Hindman, deceased, in his lifetime, was a soldier in the late war, under General Hopkins, in his expedition against the north-western Indians; that the said Robert was killed by accident while in actual service, leaving Nancy Hindman, his widow, and five small children, in but moderate circumstances; that sometime previous to his death, the said Robert had purchased a removed certificate

Recital.

for two hundred acres of land, and paid thereon the sum of forty-two dollars forty cents, into the public treasury ; afterwards (the said claim being invalidated) the said Nancy purchased a Kentucky land warrant at the state price, and entered the same upon the land originally located, whereby the said Hindman and her heirs have been compelled to pay twice the value of said land ; and it appearing to this legislature that the said forty-two dollars forty cents, should be refunded in consideration of the poverty of the said heirs and representatives : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby authorised to receive and audit the account of Nancy Hindman, widow of Robert Hindman, deceased, for the sum of forty-two dollars and forty cents, being the amount of money paid into the treasury by Robert Hindman and his representatives, upon removed certificate, No. 2068, and issue his warrant upon the treasury for the said sum of money in favor of the said heirs and representatives.

A sum of money to be paid out of treasury.

CHAP. XLII.

An ACT to provide for the protection of Public Buildings.

Approved, November 27, 1830.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the several county courts in this commonwealth, from time to time, to appoint (and enter such appointment of record) some fit person, whose duty it shall be to superintend and take charge of their public works and buildings, including the court house, jail, clerk's office and stray pen, together with the appurtenances thereunto belonging on the public square ; and the person so appointed, is hereby vested with full power and authority in his own name for the use of the county, to commence and pros.

County courts to appoint a person to take care of public buildings.

execute any and every action of trespass *vi et armis*, *quare clausum fregit*, or any other appropriate action which may be necessary against all and every person or persons, for any injury, damage, intrusion or other trespass, which may be committed on the buildings aforesaid, or any of them or their appurtenances; and all sums which may be recovered in any such action, shall be appropriated as directed by the act, entitled "an act to appropriate fines and forfeitures for the purpose of promoting education," approved fourteenth February, one thousand eight hundred and twenty. The county court shall have power to fill any vacancy which may happen by death, resignation or otherwise, of the person appointed to take care of the buildings.

who may bring suit for any trespass on same.

Damages recovered, how applied.

Sec. 2. It shall be lawful for the trustees of the Transylvania University, or the trustees of any public college or seminary of learning, or school house built by subscription, which may be placed under the superintendence of trustees appointed by the subscribers to such school-house, or the successors in office of each and either of said institutions, to commence and prosecute any action of trespass, *vi et armis*, *quare clausum fregit*, or any other appropriate action against any or every person or persons, who may commit any injury, trespass, damage or intrusion, without the consent of said trustees, upon the buildings or enclosures of said university, college, seminary or school-house which has or may hereafter be erected, or any of the appurtenances thereunto belonging; and all sums of money recovered by any such action or actions (after deducting the costs and necessary expences shall be applied to the use and benefit of said institutions or school-houses respectively.

Trustees of schools may maintain an action against any trespasser on school houses, &c.

Sec. 3. Any person who may be appointed by the county courts to take care of their public buildings, collecting any money in consequence of any action of trespass or other action, and failing to pay the same over to the use and benefit of the county, or trustees entitled to the same, it shall and may be lawful for the county court by their county attorney, or the said trustees or

Proceedings against the person appointed to take care of public buildings for failing to pay over money received by him.

their successors in office, to recover all such sums of money so collected, by motion in the circuit court wherein such recovery may be had, ten days' previous notice being given ; on any execution for which, the clerk shall endorse, "no security of any kind shall be taken."

Grand jury may find an indictment against any trespasser on public buildings.

Sec. 4. The Grand jury of any county may find an indictment for any trespass, damage or injury done to any of the county buildings, university, college, seminary of learning or school-house, as specified in this act ; or for any trespass, damage or injury done to any church, meeting house or encampment, erected for religious worship, as in other cases of trespass ; and all recoveries so had, shall be applied as directed by the first section of this act ; and the several sheriffs in this commonwealth collecting said money, shall account for the same as in other cases, when they collect money and fail to pay it over.

Plaintiffs under this act not compelled to prove actual possession.

Sec. 5. It shall not be necessary for the plaintiff or plaintiffs, in any action of trespass, or other action provided for in this act, to prove actual possession, but only an occasional or general use and occupancy by those for whose [use] and benefit the action may be brought ; and the death of any one or more of the trustees of the university, college, seminary or school-house, shall not abate the said action ; but the same shall continue and be prosecuted as if said death had not happened.

Suit not to abate by the death of a trustee.

CHAP. XLIII.

An ACT to amend an act entitled "an act to ascertain and run the division line between the Counties of Woodford and Franklin."

Approved, November 27, 1820.

Recital.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that the commissioners appointed to run and mark the division line between the counties of Woodford and Franklin, by an act passed seventh of January, one thousand eight hundred

and seventeen, have failed to perform the same :
For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Willis Blanton and Achilles Sneed of the county of Franklin, Richard Fox and Daniel J. Williams of the county of Woodford, or any one of them from each county, be, and they are hereby appointed commissioners to carry into effect the provision of the act to which this is an amendment, who shall receive the same pay, in the same manner as provided in the before recited act.

Comm'rs. appointed to carry into effect the above recited act.

CHAP. XLIV.

An ACT for the relief of London Ferrel and Rhoda his wife.

Approved, November 27, 1820.

WHEREAS it is represented to the present general assembly, that London Ferrel and Rhoda his wife, free negroes, emigrated to this state from the commonwealth of Virginia, about eight years since, and have during this whole period, until within a few months since, been ignorant that there was in force in this commonwealth, an act entitled, "an act to prevent the future migration of free negroes and mulattoes to this state," approved February the eighth, one thousand eight hundred and eight; and that the said London Ferrel and Rhoda his wife, have expended in property in the town of Lexington (now altogether unsaleable) the sum of one thousand dollars, the earnings of the prime of their lives; and that they are now old and infirm persons, who would be reduced to poverty if the said law were to be put in force against them: Therefore,

Recital.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said London Ferrel and Rhoda his wife, be, and they are hereby relieved from the penalties of the said above recited act, as fully as though they had emigrated to this commonwealth prior to the passage thereof.

Exempted from the operations of an act prohibiting the emigration to this state of people of color.

CHAP. XLV.

An ACT to amend an act for appropriating the Vacant Lands in this Commonwealth.

Approved, November 27, 1820.

Price of vacant lands reduced to ten dollars per hundred acres.

No survey to be made west of Tennessee river south of Walker's line, or for less than 50 acres.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, any persons except aliens, may acquire title to so much waste and unappropriated lands as he or she may desire to purchase, on paying the consideration of ten dollars for every hundred acres, and so in proportion for a greater or smaller quantity to acquire title under the same rules and regulations of the above recited act, to which this is an amendment: Provided however, that no survey shall be made west of Tennessee river, or south of Walker's line; nor for a less quantity than fifty acres, except the same be bound all around by prior existing claims.

CHAP. XLVI.

An ACT supplemental to an act entitled an act for the benefit of the Grand Lodge of Kentucky.

Approved, November 27, 1820.

Recital.

WHEREAS it is represented that Gabriel Tandy, Thomas Bodley, Daniel Bradford, John Tilford and William H. Richardson, were appointed managers, and authorised to raise by way of lottery, a sum of money not exceeding thirty thousand dollars, to be appropriated in erecting and finishing a Grand Masonic Hall for the benefit of the Grand Lodge of Kentucky; and that the said managers have declined serving any longer, and the objects contemplated by the above recited act, are only in part attained: Therefore,

The G. Lodge authorized to appoint other managers to conduct the

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Grand Lodge at its next annual convocation, be, and is hereby authorised and empowered to appoint five other suitable persons as managers in lieu of the

said Gabriel Tandy, Thomas Bodley, Daniel Bradford, John Tilford and William H. Richardson ; who shall possess the same powers, and be liable to the same duties and penalties, that were vested in, and imposed upon the former managers by the above recited act.

drawing of the
remaining clas
ses of their lot
tery.

CHAP. XLVII.

An ACT for the benefit of Thomas Griffin.

Approved, November 27, 1820.

WHEREAS, it appears that in a patent issued on the eighth of December, one thousand eight hundred and seventeen, to Thomas Griffin, assignee of John Ray, attorney in fact for John Hines, for two hundred acres of land in the county of Allen, formerly Warren ; that by mistake of the surveyor in making the certificate of survey, there is a call in the said patent to run north instead of south in the line of said survey immediately preceding the closing line called for in said patent ; and the said Griffin wishes the said mistake corrected : Therefore,

Recited.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Griffin may present his patent to the register of the land office, who shall cancel the same, and note opposite the record of said patent, that the same has been cancelled ; and thereupon he shall issue to the said Griffin another patent for said two hundred acres of land, and in the line aforesaid, correct the mistake aforesaid by calling to run south instead of north.

The register
authorised to
cancel the pa-
tent and issue
a new one to
said Griffin for
certain lands.

Sec. 2. Nothing in this act contained shall be construed to give any preference to said Griffin over any other person setting up a claim to said land, but the merits of said claimants to said land, shall be as though the same had been passed.

Provide.

by made at
chase, receive
ves, and
as, here

CHAP. XLVIII.

An ACT to amend an act reducing into one the several acts for apprehending and securing runaways.

Approved, November 27, 1820.

Penalty for a free person or slave ferrying a slave over the Ohio river without the consent & presence of the owner.

How recovered.

And applied.

Proviso.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any ferryman or other person shall carry or put over the Ohio river into another state or territory, any slave or slaves, the property of any citizen of this commonwealth, without the consent and presence of the owner or owners, his or their agent, and in case no such owner or agent shall be present and consenting to the same, without a written pass duly signed by the owners or some of them of such slave, or his, her or their agent, and acknowledgement thereof, duly authenticated by some justice of the peace, and any justice of the peace shall certify the same upon being satisfied by oath or otherwise, that the person giving such pass has proper authority to give the same, such ferryman or other person shall be subject to a fine of two hundred dollars, to be recovered by action of debt, or by indictment, in any court having jurisdiction of the like sum: And where any slave shall be so taken over said river by a ferryman who shall be a slave, the owner or keeper of such ferry, shall be subject to the fine herein before imposed, to be recovered in the like manner; which fine shall be applied one half to the use of the informer, and the other to the use of the commonwealth: *Provided however,* if any person who shall be prosecuted under this act, shall satisfactorily prove to the jury, that the slave or slaves so taken over said river, was authorized to be taken or carried over said river by the consent of any person having authority to consent to the same, and the object defendant shall be found not guilty, are the true intention of this act.

*acted by the
Assembly of K
the next*

CHAP. XLIX.

An ACT to establish the Bank of the Commonwealth of Kentucky.

Approved, November 29, 1820.

WHEREAS it is deemed expedient and beneficial to the state and the citizens thereof, to establish a bank on the funds of the state, for the purpose of discounting paper, and making loans for longer periods than has been customary, and for the relief of the distresses of the community :
Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a bank shall be, and the same is hereby established, in the name and on behalf of the Commonwealth of Kentucky, in the town of Frankfort, under the direction of a President and twelve Directors, to be chosen by joint ballot of both houses of the General Assembly, who shall continue in office until the next stated session of the general assembly, and until their successors chosen in like manner, are appointed to act ; and the said president and directors shall appoint a cashier, clerks, and other persons necessary to aid in conducting the same, and they shall take from the said cashier, annually, bond with sufficient security, in the penalty of not less than one hundred thousand dollars, payable to the Commonwealth, for his good behaviour, and for the faithful discharge of the duties of his office.

Bank established and located at Frankfort.

A president & twelve directors to be chosen by joint ballot of the legislature at each session. Directors to appoint a cashier, clerks, &c.

Cashier to give bond and security annually.

Sec. 2. The president and directors of the said bank, elected in the manner aforesaid, and their successors in office, shall be, and are hereby made a corporation and body politic, in law and in fact, by the name and style of the President and Directors of the Bank of the Commonwealth of Kentucky, and shall so continue until the first day of January, one thousand eight hundred and forty one ; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves, and their successors, lands, rents, tenements, hereditaments, goods and chattels, of what kind, nature or

Style of incorporation.

To continue till 1841.

General grant of powers.

quality soever, and the same to sell, grant, alien, demise and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient, for the government of the said corporation, not being contrary to the law or constitution hereby established, and generally to do and execute all and singular, such acts, matters and things, which to them it shall and may appertain to do; subject nevertheless, to the rules, regulations, restrictions and provisions in this act.

The capital to belong to the state exclusively.

Sec. 3. The whole capital stock of said bank, shall be exclusively the property of the commonwealth of Kentucky, and no individual or corporation, shall be permitted to own, or pay for any part of the capital of said bank.

Shall have power to issue notes not less than one nor over one hundred dollars.

Sec. 4. That the said president and directors shall have power to issue notes, signed by the president, and countersigned by the cashier, not under the denomination of one dollar, nor over one hundred dollars, on behalf of said corporation, for such sums and with such devices as they may deem most expedient and safe. They shall also be capable of exercising such other powers and authorities, as may be necessary for the well governing and ordering the affairs of said corporation, and of promoting its interest and credit.

Capital raised to consist of the proceeds of vacant lands.

Sec. 5. That the capital stock of said bank shall be two millions of dollars, to be raised and paid in the following manner, to-wit: All moneys hereafter paid into the treasury for the purchase of the vacant lands of the commonwealth, all moneys hereafter paid into the treasury for the purchase of land warrants, all moneys which may hereafter be raised for the sale of the vacant lands west of the Tennessee river, and so much of the capital stock owned by the state in the bank of Kentucky, as may belong to the state after the

Land warrants.

Proceeds of the lands west of the Tennessee river.

affairs of said bank shall be settled up, with the profits thereof not heretofore pledged or appropriated by law, shall be exclusively appropriated to the making up the capital stock of said bank; and the treasurer of this commonwealth shall, and he is hereby required, from time to time, as he may receive moneys on all or any of the accounts aforesaid, to pay the same over to the said bank, and take the cashier's receipt therefor, and file the said receipt with the Auditor of Public Accounts, who shall thereupon pass a quittance to the treasurer.

Sec. 6. That in case of the death, resignation, removal or refusal to act, of the said president or either of the directors, a majority of those remaining in office, shall fill up such vacancy; and the persons so appointed, shall hold their office during the remainder of the term for which the president or director so dying, resigning, removing or refusing to act, had to serve.

Sec. 7. That none of the said officers shall become security, or be bound for any debt contracted for, or on behalf of the said bank, except his or their own accommodation, and each and every officer concerned in the said bank, shall, before he enters on the duties of his said office, take the following oath before some circuit judge or justice of the peace: I, A. B. do solemnly swear (or affirm as the case may be,) that I will faithfully discharge the duties assigned me, according to the best of skill and abilities; and that I will not directly nor indirectly, for myself or others, loan the funds of the said bank at a greater interest than is allowed by law, during my continuance in office: So help me God.

Sec. 8. That the said bank shall receive money on deposit, and pay away the same to order, free of expense, discount bills of exchange, current money, and notes with two or more good securities, who shall be jointly and severally bound, at a rate of interest not exceeding one per cent. for sixty days; and shall have power to make loans to citizens of the state in the nature of discounts on real estate, secured by mortgage, with power to make sale of said estate in

And the state's portion of the stock in the bank of Kentucky, and a certain portion of the profits.

Treasurer to pay over the same when received, to the cashier.

Mode of filling vacancies in the board of directors.

The officers of the bank shall not be admitted as security in the bank for others.

To take an oath, the form thereof.

The directors to receive money on deposit free of expense.

May discount bills of exchange, current money—and notes with two or more securities at six per centum per annum.

May make loans on a mortgage of real estate.

The loan not to exceed half the value of the estate nor for a longer period than one year, nor for more than six per cent. per annum.

Interest to be paid in advance.

No re-loan to be made unless the interest is paid up. Calls not to be made for more than ten per cent. without giving 60 days' notice.

Persons failing to pay calls to be deprived of future credit in bank, and liable to immediate suit.

The debts of the bank never to exceed double the amount of its capital.

Directors to be individually liable for any excess.

And may be recovered by any creditor of the corporation.

The estate of the corporation to be also liable for such excess.

Seven directors to constitute a board.

default of payment : *Provided*, that the sum so loaned shall never exceed one half of the real unincumbered value of the property so mortgaged : *Provided further*, that the loans shall never be for a longer period than one year, nor draw a greater interest than at the rate of six per cent. per annum, which shall always be payable in advance : *And provided further*, that no loan shall in any case be renewed, unless the interest for such re-loan shall be paid in advance : *And provided further*, that the directors for the time being, shall not call in more than one tenth of each loan at the time the same shall become due, without giving sixty days' notice thereof, and all and every person or persons, failing to make payment, shall be deprived in future of credit in said bank, and shall be liable to suit immediately for the amount due.

Sec. 9. *And be it further enacted*, That the total amount of debts which the said bank shall at any time owe, whether by bond, bill, note or contract, shall not exceed double the amount of the capital stock of said bank ; and in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their private and individual capacities, and an action of debt may, in such case, be brought against them or any of them, their or any of their heirs, executors or administrators, in any court in this state having jurisdiction, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition covenant or agreement to the contrary notwithstanding ; but this shall not be construed to exempt the said bank, or the lands, tenements, goods or chattels of the same, from being also liable for, and being chargeable with said excess.

Sec. 10. That not less than seven directors shall constitute a board to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other director who may be selected by the directors or a majority of them,

Sec. 11. *And be it further enacted*, That it shall be the duty of the president and directors of said bank, to make such arrangements and regulations as will secure to the citizens of each county in this state, a just proportion of the capital aforesaid to be loaned, which proportion shall be ascertained agreeably to the taxes to be paid by each county into the public treasury for the year one thousand eight hundred and twenty; and when any payment shall be made into the bank hereby established, it shall be the duty of the president and directors thereof, so to conduct the proceedings as not to re-loan to citizens of any county, the same or any part thereof, originally intended for another county; but the sum or sums thus paid in, may, from time to time, be re-loaned to citizens of the same county, so long as may be consistent with the interest and safety of the institution hereby established; and the said president and directors shall not receive in discharge of loans made by them, any thing but the notes hereby created, specie, or the notes of such banks as shall be at par at the time such loans are payable.

Sec. 12. That no person who may be a president or director of any other bank, or a stockholder of the United States' Bank, shall be eligible to the office of president or director to the bank hereby created.

Sec. 13. That it shall be the duty of the president of said bank, to cause an accurate and detailed report of their proceedings and situation to be made to each session of the general assembly, and during the first week thereof; setting forth in said report the names of the persons borrowing money, and the amount so borrowed, and the manner in which the same is secured.

Sec. 14. That the president of said bank shall be allowed the sum of fifteen hundred dollars per annum, payable half yearly; and the cashier of said bank shall be allowed the sum of twelve hundred dollars per annum, payable as aforesaid; and the president and directors shall make such allowance to their clerks as they may think right, not exceeding the amount to be paid the cashier, payable as aforesaid.

The Pres't. & directors to apportion the loans to each county in proportion to its taxable property for 1820.

And not to re-loan moneys to one county originally intended for another.

What to be received in payment of the loans of said bank.

No director of another bank or stockholder of U. S. bank to be a director of this bank.

The president and directors to make an annual report to the legislature of the names of borrowers, the amount borrowed and the security.

Salary of the president.
Of the cashier.

Directors to make allowance to clerks.

Sec. 15. That no loan to any individual, shall exceed the sum of one thousand dollars, except to the directors and the president of the principal bank and any branch thereof, who may severally borrow from said bank any sum not exceeding two thousand dollars, upon the same terms and conditions as other individuals.

Sec. 16. The president and directors shall keep fair and regular entries (in a book or books to be kept for that purpose,) of their proceedings; and on any question where two directors shall require it, the yeas and nays of the directors shall be duly inserted on their minutes, and those minutes be at all times, on demand, produced to the legislature or any committee thereof, who may be legally authorized to receive the same.

Which shall be subject to the inspection of the legislature or a committee.

The notes of the bank to be receivable for the revenue & county levy.

And to be paid in gold and silver.

The property mortgaged to be previously valued by commissioners.

Persons borrowing money to make oath for what use it is intended during the year 1821.

No loans to be made in 1821 except to pay debts or for the purchase of produce or live stock for exportation.

Sec. 17. That the bills or notes of the said bank, shall be receivable at the treasury of the state, and by all the tax gatherers and other public officers, in all payments for taxes or other moneys now due or to become due to the state, and by all collectors of the county levy; and all the notes issued by said bank shall be payable and redeemable in gold and silver.

Sec. 18. That the value of the property mortgaged under this act, shall be ascertained to the satisfaction of the president and directors.— And in order to secure the president and directors more effectually from imposition, any person or persons who shall apply to them for moneys on loan, shall produce to the board for their inspection, a clear and valid title, in fee simple, to the property proposed to be mortgaged, which said property shall be valued upon oath by commissioners appointed for that purpose; and such person or persons, so applying to borrow money of said bank during the year one thousand eight hundred and twenty-one, shall state distinctly, on oath, the use for which said money is intended: *Provided nevertheless,* that said bank shall not loan any money to any individual or individuals, during the said year one thousand eight hundred and twenty-one, except for the purpose of paying his, her or their just debts, or for the purpose of purchasing the live stock or produce of the country for exportation.

Sec. 19. *Be it further enacted*, That the mortgage to be taken as security in this bank, may be taken in the following form, in substance, to wit: I, A. B. do assign over and transfer to the president and directors of the Bank of the Commonwealth of Kentucky, (*here describe the lands particularly,*) which land I declare to be in mortgage for the payment of _____ dollars with legal interest, at six per cent. per annum from the _____ day of _____; and I do agree that the same may be exposed to sale, if I do not pay the principal and interest, at the time when the same may become due and payable. Witness my hand and seal; this _____ day of _____ 18____, which mortgage shall be accompanied with a note or bond for the sum so borrowed, and shall be valid to all intents and purposes.

Form of mortgage.

To be accompanied by a note.

Sec. 20. That all mortgages taken for loans of money under this act, shall be considered as being of record from the date thereof, and shall have priority of any mortgages or conveyances of the same property not previously recorded in the county in which the land lies. And the person or persons, applying for a loan of money, shall produce a certificate from the clerk of said county in which the land lies, that there is no conveyance or incumbrance upon said land in his office; and shall moreover make oath before the cashier of said bank or branches, before he shall be entitled to receive the money or amount of the discount which he may obtain on the mortgage of said land, that there is no incumbrance or better claim in law or equity, that he knows of or believes, on the said land: *Provided, however*, that the mortgage so taken by the bank, shall be recorded within thirty days after the execution thereof, in the county in which the land so mortgaged lies.

The mortgages considered as of record from the date, to have preference of others not previously recorded for the same property. Applicant to produce a certificate that the land is unincumbered. And make oath to the same fact.

Mortgage to be recorded in thirty days.

Sec. 21. That the president and directors of said bank, shall establish one branch thereof and no more, in each judicial district in this commonwealth existing at the end of the present session of the general assembly, except the judicial district in which the principal bank may be located, in which judicial district no branch shall be

One branch to be located in each judicial district, except the one in which the principal bank is located.

And directors to be appointed to each.

located for the purpose of discount and deposit, and shall annually appoint a president and eight directors, and other officers of such branches, and fix their salaries and prescribe their duties, and shall allot to the said branches a due portion of the active capital of said bank, according to the eleventh section of this act.

The bills or notes of the corporation under seal, made payable to order, to be transferable by assignment, and on which the assignee may maintain an action as upon foreign bills of exchange.

Bills and notes payable to bearer, not under seal to be transferred by delivery.

Sec. 22. That the bills and notes under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their own name or names ; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the principal cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same in the like manner, and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons ; that is to say, those which are or shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner, and with the like effect as foreign bills of exchange now are ; and those which are, or shall be payable to bearer, shall be negotiable and assignable by delivery only.

No president, director or officer of the corporation to advance or loan money of the corporation at an usurious

Sec. 23. That no president, director, officer or servant of the said corporation, shall be concerned either directly or indirectly, in the practice of advancing or loaning out the funds of the institution at an illegal rate of interest, whether the same be done or effected under the form or color of a purchase or exchange of notes, acceptances

or due bills, checks on banks, acknowledgments, or any other way or manner whatsoever; and all and every such president, director, officer, clerk or servant of said bank, who shall be concerned as aforesaid in any such practices, shall forfeit and pay for each offence, one thousand dollars, to be recovered by an action of debt in any court of record having jurisdiction of the offence, one half to the use of the informer, the other half to the use of the state.

rate of interest under the penalty of 1000 dollars.

Penalty, how recovered and applied.

Sec. 24. That all the interest arising from the loans and discounts which may be made by the said bank after the payment of the necessary expenses, shall constitute and be considered as a part of the annual revenue of the state, and subject to the disposition of the legislature.

The interest on loans to be part of the revenue of the state.

Sec. 25. That in all cases where the amount loaned shall be in arrear or due, the president and directors of the said bank, shall be, and they are hereby authorised and empowered (if they shall think fit) to advertise the mortgaged property for sixty days, in one or more of the newspapers printed in this state, and make sale of so much of the mortgaged premises to the highest bidder, for cash or notes of said bank, as will pay the amount due; and the president and directors are fully authorised and empowered to make conveyances for the same to the purchasers thereof, or buy the same in, if they shall think fit, for the benefit of the institution.

In default of payment of loan, the mortgaged premises to be sold for cash, being advertised for sixty days.

Sec. 26. That the president and directors of the said bank, shall have power to appoint five commissioners in each county, to value and appraise the lands which may be offered in mortgage to the bank; and every valuation of land in any county, shall be signed by three of the commissioners; and the president and directors shall have power to fill up all vacancies, or to remove any such commissioners at pleasure.

Five comm'rs. to be appointed to value property offered to be mortgaged.

Sec. 27. That the assessors appointed by the president and directors of the said bank, to value lands to be mortgaged to said bank, shall receive each for their services, not exceeding one dollar per day, to be paid by those who borrow money from said bank.

Their compensation & mode of payment.

7000 dollars ap-
propriated to
purchase
plates, paper,
books, &c.

Sec. 28. That the treasurer of this common-
wealth be, and he is hereby authorised and required
to furnish the president and directors of the said
bank, with such sum or sums of money as may
be sufficient to procure plates and other things
necessary to carry the said bank into full and
complete operation, not exceeding seven thousand
dollars.

The legisla-
ture retain
power to a-
mend the char-
ter.

Sec. 29. The general assembly shall, and may,
from time to time, make such changes and alter-
ations in the constitution of said bank as may be
deemed proper and expedient.

No loans to be
made to any o-
ther govern-
ment or citi-
zen of another
state, or any
incorporation.

Sec. 30. No loan shall be made by said cor-
poration to any government or state, except the
commonwealth of Kentucky, nor to any person
or persons residing in any other government,
state or territory, or to any corporation or body
politic, chartered or incorporated by this or any
other government.

The form of,
the notes to be
executed to be
prescribed by
the president
and directors.
The first sign-
er of the note
to control the
amount.

Sec. 31. The president and directors of the
principal bank, shall prescribe the form of the
notes to be executed by the persons borrowing
money of said bank or the branches thereof ;
and whenever a loan may be made to any person
or persons, the person whose name is first sub-
scribed to the note of hand, shall have the right
to control the amount loaned by his check or
otherwise ; and the notes so executed, may be
put in suit by the said bank at any time they
may think proper after they become due ; and
all such notes of hand, shall be debts of superior
dignity, and shall be paid first by executors and
administrators.

The notes de-
clared to be of
superior digni-
ty, and to be
first paid by
executors and
administrators.

The cashiers of
the branches
to give bond &
security.

Sec. 32. The cashiers of the branches respec-
tively, shall annually execute bond to the com-
monwealth in the penalty of not less than fifty
thousand dollars, with two or more securities,
to be approved of by the president and directors
of the bank to which he may belong, condi-
tioned for the faithful discharge of the duties of his
office ; and the president, directors and all other
officers of the branches, shall possess the same
qualifications, and take the same oath which is
required to be taken by the officers of the prin-
cipal bank.

The officers of
the branches
to take an oath
&c.

Sec. 33. The president and directors of the said bank, shall cause the said bank and branches to be put into full and complete operation, on or before the first day of May next, or otherwise as soon as practicable.

To commence operations on or before the first day of May next.

Sec. 34. *Be it further enacted,* That the several branches established agreeably to the provisions of this act, shall immediately after the first day of October in each year (and oftener if required by the president and directors of the principal bank) report the amount of all loans, and the names of the individual borrowers, and how the same is secured.

The several branches to make annual reports to the principal bank. The notes of the bank of Ky. to be received in payment of debts.

Sec. 35. That the notes of the present Bank of Kentucky, shall be receivable in payment of all debts due the bank hereby established, and the revenue of this commonwealth unappropriated at the close of the present session of the general assembly, also the revenue hereafter collected which may remain in the treasury unappropriated annually, shall constitute a part of the capital stock of said institution, and shall be paid over to the cashier of the bank by the treasurer, subject to such appropriations as may be made from time to time by law.

The revenue of the state remaining in the treasury at the end of the present session to constitute a part of the capital, subject to the appropriations made by the government.

Sec. 36. *Be it further enacted,* That the total amount of notes issued, and debts contracted by the institution, shall not exceed two millions of dollars previous to the next session of the legislature.

The debts to be contracted previous to the meeting of the next legislature not to exceed 2,000,000 dollars.

Sec. 37. *Be it further enacted,* That no person who shall be a member of the present legislature at the passage of this bill, shall be eligible to the office of president, director, cashier or clerk of the said bank or any of its branches, until twelve months after his term of service shall have expired; and when any officer in said bank, shall be elected to either branch of the legislature, he shall thereby vacate his office in said corporation.

No member of the present legislature eligible as an officer of said bank or branches, for 12 months after his term of service, and no officer shall at any time be a member of the legislature.

CHAP. L.

An ACT altering the Line Between Knox and Harlan Counties.

Approved, December 2, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act entitled "an act for the division of Knox county," approved the twenty-eighth day of January, one thousand eight hundred and nineteen, calling to run north from the mouth of Straight creek to the Clay county line, is hereby repealed.

Sec. 2. *Be it further enacted*. That hereafter the line between Knox and Harlan counties, from the mouth of Straight creek, shall run with the ridge that divides the waters of said creek and Stinking creek, to the Clay county line.

CHAP. LI.

An ACT to amend an act to establish a Turnpike Road from Louisville to Portland and Shippingport.

Approved, December 2, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the governor of this commonwealth be, and he is hereby authorised to grant to the president, managers and company of the Louisville and Portland turnpike road, and to the president, managers and company of the Louisville and Shippingport turnpike road, respectively, a license under his hand and the seal of the commonwealth, permitting the said president, managers and companies of the said turnpike roads respectively, to erect and fix as many gates and turnpikes upon and across the said roads, as will be necessary and sufficient to collect the tolls and duties granted to said corporations by the act approved on the third day of February, one thousand eight hundred and eighteen, to which this is an amendment, from all persons travelling on the same

The governor authorised to grant licenses to the president &c. of said roads, to fix gates across the same for the purpose of collecting the tolls allowed said companies.

with horses, cattle or carriages ; and upon the reception of said license, the said turnpike companies respectively, shall be entitled to all the tolls, rights and privileges given them by the before recited act.

CHAP. LII.

An ACT authorising the appointment of Constables in certain Counties.

Approved, December 2, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the county court of Mason to appoint an additional constable to serve in the town of Maysville ; and the county court in and for the county of Harrison, to appoint an additional constable to serve in the town of Cynthiana ; and the county court of Mercer to appoint an additional constable in and for the county of Mercer, and to lay off an additional district in said county of Mercer ; and that the county court in and for the county of Washington, may, and they are hereby authorised to appoint an additional constable in and for said county, to reside in the town of Lebanon in said county.

Sec. 2. That the county court of Jefferson, the majority of the justices of said county being present, shall be, and are hereby authorised to appoint one additional constable within Shippingport, Portland and the Portland avenue, under the same rules and regulations as relate to those appointed under the general law.

CHAP. LIII.

An ACT for the benefit of Jonathan Boxarth.

Approved, December 2, 1820.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that Owen Owens became the purchaser of three hundred

red and forty acres of land, at the register's sale of non-residents' land, in the year one thousand eight hundred, part of a survey of one thousand and seventy acres, entered with the auditor of public accounts as the property of Nathaniel Parker, a non-resident, and sold for the non-payment of the taxes due thereon; that the said Owens obtained the register's certificate of purchase, and assigned the same to a certain James Buckhannon, who assigned the same to James Love, by whom the same was assigned to Jonathan Bozarth; that the said Bozarth entrusted the certificate, with the assignments, to one of his friends, to procure a deed from the register of the land-office, by whom the certificate of sale has been lost; that the said Bozarth has been living on the said land for more than thirteen years, and the register of the land-office now refuses to make a deed for the land aforesaid: Therefore,

The register directed to make to Bozarth a deed for certain land purchased for the taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office shall be, and he is hereby required to execute a deed to the said Bozarth, for the land sold as aforesaid, whenever the said Bozarth shall present to him a survey for the land described in the certificate of sale aforesaid; which deed shall have all the effect in law and equity which the same might or could have had if the same had been issued or made to Owen Owens.

CHAP. LIV.

An ACT for the benefit of the Widow and Heirs of John Spurlock, deceased.

Approved, December 2, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that John Spurlock, deceased, did in his lifetime give his consent to the opening of a road leading from the town of Prestonsburg to John's creek mill, through a part of his lots in said town, under the belief [that] the said road

could be changed, when necessary ; but the county court for Floyd county refusing to permit said road to be changed, thereby reducing the value of said lots, to the injury of the widow and heirs of said Spurlock, deceased : For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the trustees of the town of Prestonsburg, shall, within nine months, open the main cross street, commencing at the public square, and continuing with said street to the end thereof; and when opened, shall be established as the county road.

The trustees of Prestonsburg directed to open a street in said town.

Sec. 2. *Be it further enacted,* That the county court for the county aforesaid; on or before their May term next, shall take the proper steps to have a road opened from the north end of Main cross street aforesaid, to intersect the road aforesaid, without running through any lot or lots of said town; and said road, when opened, shall be established as the county road leading from the town of Prestonsburg to John's creek mill.

The Floyd county court directed to open a certain road.

CHAP. LV.

An ACT to incorporate the Directors of the Leesburg Library Company.

Approved, December 2, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Curry, Joseph Wasson, John Smith, William E. Boswell, and William Cogswill, and their successors, duly elected or appointed in manner herein after directed, be, and they are hereby made, declared and constituted a corporation and body politic in law and in fact, to have continuance forever, by the name, style and title of the Directors of the Leesburg Library Company.

Persons incorporated.

Style of incorporation.

Sec. 2. *Be it further enacted,* That all and singular the sums of money, books, goods and chattels, which may have been subscribed and paid, or which [may] be subscribed. and remain due,

or which may hereafter be subscribed, given, granted or devised to the said company, or to any person or persons for the use thereof, shall be vested in, and confirmed to said corporation; and that the said corporation may take and receive any sum or sums of money, or any goods, chattels or other effects of what kind or nature soever, which shall or may hereafter be given, granted or bequeathed unto them by any person or persons, bodies politic or corporate, capable of making such gift or bequest; such money, goods, chattels, or other effects to be laid out and disposed of in the purchase of books, maps, charts, drawings &c. for the use and benefit of said company, agreeably to the intention of the donors.

May acquire property by purchase, donation, devise, &c.

To be laid out in purchase of books, maps, &c.

Corporate powers to sue, &c.

Sec. 3. That the said corporation, by the name and style aforesaid, shall be hereafter forever capable in law, to sue and be sued, plead and be impleaded in any court or courts, or other places, or before any judge or justice within this commonwealth, or elsewhere, in all manner of suits, actions or complaints of whatsoever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies politic or corporate may or can do.

To have a common seal.

To appoint officers and fix their compensation.

To make by-laws, and to fix the price of shares and contributions.

To direct how transfers shall be made & admit members. To procure a suitable place for keeping the library, and

Sec. 4. *Be it further enacted*, That the said corporation shall have full power to make and use a common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew, at pleasure; to appoint a treasurer, secretary and librarian; to assign them their duties, fix their compensation and remove him or them from office, and appoint another or others in his or their place, as often as they shall think fit; to make and execute such by-laws and ordinances as may be deemed useful to the institution, and the same to alter, amend or abrogate at pleasure; to fix the price of new shares and annual contributions on each share; to direct how transfers may be made and certified, and judge of the persons proper to be admitted members; to procure by purchase, rent or otherwise, a suitable place for keeping the library; to appoint the times for keeping the library open, and for taking out and returning

books ; to fill up vacancies that may happen in making regulations for keeping it open, for the return of books, and filling vacancies. To levy & collect fines, &c.

their number between their half yearly meetings ; to levy and collect fines and forfeitures, and to determine upon, and transact all matters appertaining to the said corporation or library company, agreeably to the rules, regulations, ordinances and by-laws thereof, during their continuance in office : *Provided however*, that not less than three of the directors shall be a quorum to do business ; that no by-law shall be made repugnant to the laws of this commonwealth, and that no contribution shall be laid on any share in any one year, greater than one fifth of the value of a share, without the consent of a majority of the members or shareholders.

Proviso.

Sec. 5. *Be it further enacted*, That there shall be a semi-annual meeting of the members of said library company at the library or such suitable place as the directors may, from time to time appoint, of which the directors shall cause at least ten days' notice to be given by advertisement to be affixed on the doors of the public taverns or houses in the town of Leesburg, and on the door of the house in which the library is kept ; at which time and place the members or such of them as may be present, either personally or by proxy, evidenced by writing under the hand of the shareholder, and shall not be in arrears for any annual contribution, fines or forfeitures, shall elect and choose by ballot, five directors, out of their number, to serve for the half year ensuing their election, and until others shall be elected, and consent to serve in their place : *Provided always*, that a majority of the shareholders as aforesaid, either personally or by proxy, shall be necessary to elect the directors, and that each shareholder shall be entitled to one vote for each share he shall possess in the institution.

Members to elect directors semi-annually.

Proviso.

Sec. 6. *Be it further enacted*, That the directors shall cause the treasurer, secretary and librarian, to keep in suitable books for that purpose, just and proper entries of all the proceedings and accounts of the company and corporation, and have them laid before the company at every half yearly meeting previous to taking the

Directors to cause an exhibition of the books to be laid before the company.

votes for directors ; and shall always deliver the said books, together with all the property of the company, in good order, to their successors in office when required.

Elections for directors to be held in January and July.

Sec. 7. *Be it further enacted*, That the first election for directors by virtue of this act, shall be held on the first Saturday in January next, and the second election on the first Saturday in July next ensuing ; and on the first Saturdays in January and July in every year forever thereafter. And in case a majority should fail to appear at the times appointed to hold election of directors, that elections shall be held as soon thereafter as the attendance of a majority of the shareholders can be obtained for that purpose, previous notice thereof being given as aforesaid.

Shareholders may transfer or relinquish their shares, & be released from contributions.

Sec. 8. *Be it further enacted*, That each shareholder shall be at liberty at all times, to transfer or relinquish his share or shares, and that he shall forever thereafter be released from all further contribution on account thereof.

CHAP. LVI.

An ACT to add an additional number of Trustees to the Warren Seminary.

Approved, December 2, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the following persons be added as trustees to the Warren Seminary, viz. Joseph B. Lapsley, William M. Dowell, Solomon P. Sharp and Jonathan Hobson ; and that hereafter there shall be nine trustees to said seminary, any law to the contrary notwithstanding ; and a majority of said trustees shall from time to time fill all vacancies which may be occasioned by death, resignation, removal or refusal to act.

CHAP. LVII.

An ACT to amend an act entitled an act to provide for the sale of a part of the Public Ground in Georgetown.

Approved, December 2, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elijah Craig, Job Stephenson and John T. Johnson, commissioners under the aforesaid act, be, and they are hereby vested with full power and authority to convey in fee simple, the title of the county court of Scott county to any or all of the public ground, sold under the provisions of the above recited act, to any purchaser or purchasers of the same.

Comm'rs. appointed to convey the ground sold under the recited act.

CHAP. LVIII.

An ACT for the relief of Joshua Humphreys, administrator of James Hughes, deceased.

Approved, December 2, 1820.

WHEREAS it has been represented to the present general assembly, that Joshua Humphreys, the administrator of the estate of James Hughes deceased, has become unable from declining health to perform the duties incident to that trust ; and that justice to the heirs and creditors of the decedant requires the appointment of a successor : Therefore,

Recital.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Humphreys, be, and he is hereby authorized to resign the capacity of administrator of the said decedant, by an entry to that effect on the records of the county court of Franklin ; and that the said court may thereupon, proceed to grant letters of administration, de bonis non, under the same rules and regulations, and with the same effect, as in cases of vacancy by the death of a former administrator.*

Joshua Humphreys authorised to resign his administration of said estate, and the county court of Franklin to appoint another.

Sec. 2. *Be it further enacted, That from the time of the entry of such resignation, all power of the said Humphreys over the estate of the said*

The power of said Humphreys to

cease after his
resignation.
Proviso.

decedant shall cease ; and that he shall be released and exempt from all further duties touching the same : *Provided however*, that nothing herein contained, shall discharge the said Humphreys and securities from all legal and just responsibility to his successor, and the creditors and heirs of the said decedant, so far as respects the estate which may have been received by him.

County court
of Franklin to
settle the account of the
said Humphreys.

Sec. 3. *Be it further enacted*, That the county court of Franklin, shall be authorized to require the said Humphreys to come to a settlement with it, and close the accounts so far as he has administered.

CHAP. LIX.

An ACT for the benefit of the Heirs of Fortunatus Dale.

Approved, December 2, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that in the year one thousand eight hundred and thirteen, Fortunatus Dale, late of the county of Woodford, died, leaving seven infant children, except one without a mother, and that the only estate belonging to said infants is six negroes and fifty dollars forty-two cents, which cannot be divided without a sale: For remedy whereof,

Comm'rs. appointed to sell
the slaves of
Dale.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James M'Connel, William Tillery and Rawleigh Dale, be, and they are hereby appointed commissioners. vested with full power to sell and dispose of said negroes, on a credit not exceeding twelve months. as they may think most to the interest of said estate.

Sale and conveyance
declared valid.

Sec. 2. *Be it further enacted*, That any sale and title which may be made by virtue of this act, by said commissioners, shall be as good and valid, to all intents and purposes, as if the same were made by the said heirs when of full age.

Sec. 3. *Be it further enacted*, That before the commissioners shall proceed to discharge the duties provided by this act, they shall enter into bond, with security, to be approved of by the Woodford county court, in a sum double the amount of said estate, with a condition to pay over, as soon as they receive it, to the said legatees, if of age, or to the guardians for the use and benefit of the said infant heirs, their respective portions; and upon a failure, the party or parties aggrieved may have and maintain an action on said bond, to recover their part or interest in said estate, in any court having jurisdiction thereof: *Provided nevertheless*, that the said heirs shall have the term of three years, after they shall have severally attained the age of twenty-one years, to invalidate and set aside any sale made under the provisions of this act, for any fraud that may have been committed against any such infant heirs by the said commissioners, or any of them, in making sale of the property, or any part thereof, hereby authorised to be sold.

Comm'rs. to give bond and security.

Condition of the bond.

Proviso.

CHAP. LX.

An ACT for the benefit of the Heirs of Joseph Barnett, deceased.

Approved, December 2, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*. That the act entitled "an act to vest the estate of Joseph Barnett, deceased, in commissioners, for the benefit of his creditors," and an act entitled "an act to amend an act vesting the estate of Joseph Barnett, deceased, in commissioners, for the benefit of his creditors," be, and the same are hereby repealed.

Former laws repealed.

Sec. 2. *And be it further enacted*, That the heirs of the said Joseph Barnett, deceased, shall have power to demand and receive of the commissioners appointed by the before recited acts, all papers which came to their hands as commission-

Barnett's heirs, authorised to receive papers from comm'rs. of J. Barnett, deceased.

ers.

Laws limiting
the time of making
surveys
not to apply to
Barnett's heirs.

Sec. 3. *And be it further enacted, That the act* entitled "an act regulating certain surveys in this commonwealth," approved February 10th, 1816, and the act supplemental thereto, and the act entitled "an act to amend an act regulating certain surveys in this commonwealth," approved, February 2d, 1817, shall not be construed to affect the interests of the heirs of said Joseph Barnett.

Authorised to
make surveys,
patents to issue
thereon.

Sec. 4. *And be it further enacted, That the said* heirs may proceed to execute surveys upon any entries of land which were made for the benefit of their ancestor, and which remain unsurveyed, and carry the same into grant, in the same way which they might have done, had the above recited acts not been passed. And it shall be lawful for the said heirs to obtain patents upon any surveys which were made for the benefit of their ancestor, in the same manner they might have done, had the above recited acts never been passed: *Provided, however, that nothing in this act* contained shall be so construed as to affect *bona fide* sales made by said commissioners, or to authorise a survey west of the Tennessee river.

Proviso.

CHAP. LXI.

An ACT to erect Election Precincts in the Counties of Mercer, Lincoln, Muhlenburg and Bath.

Approved, December 6, 1820.

Bounds of the
Danville pre-
cinct in Mer-
cer county.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that* part of the county of Mercer, within the following bounds, viz. Beginning at the mouth of Cane run and running up the same to the mouth of Robinson's spring branch; thence up the same to the spring; thence to the north-east corner of the Perryville precinct line; thence southwardly with the line of the same to the Casey line; thence eastwardly with the same to the Lincoln line; thence with the same to the Garrard line upon Dick's river, and with the same to the beginning, shall be constituted and deemed an elec-

tion precinct for said county, and shall be called and known by the name of the "Danville Precinct;" and the elections therein shall be held at the court-house in the town of Danville.

Elections therein to be held in Danville.

Sec. 2. *Be it further enacted*, That all that part of the county of Mercer, included within the following bounds, viz. Beginning on the Kentucky river, at Armstrong's ferry; thence with the road (leading to Stevenson's old place) to the Warwick road; thence up the same, and with the road leading past Providence meeting-house, to the new bridge on Salt river; thence to the Springfield road, south of William Springate's plantation; thence with said road, as it leads down Indian creek, to where it leaves said creek the last time; thence west to the Washington line; thence north with said line to the Franklin line; thence with said line to the Kentucky river, and up the same to the beginning, shall constitute and be deemed an election precinct for the county of Mercer, to be called and known by the name of the "Walnut Grove Precinct;" and the elections therein shall be held at the post-office at Walnut Grove: *Provided, however*, that the electors voting at Walnut Grove, shall, at the next general election, have the right to vote for any other place to hold their elections at; and in case it shall appear that a majority of the persons voting at said precinct, vote for any other place, then and in such case all elections shall be held at said place thereafter.

Bounds of the Walnut Grove precinct in Mercer county.

Elections to be held at Walnut Grove.

Proviso.

Sec. 3. *Be it further enacted*, That all that part of Lincoln county, included within the boundaries following: Beginning at the top of the knobs at Colyer's gap; thence to the mouth of the Little South fork of Green river; thence down the river to the Casey line; thence with said line to the Pulaski line; thence with said line to where it crosses the main road leading from Colyer's gap to Somerset; thence with said road to the beginning, shall constitute an election precinct of Lincoln county; and the elections in said precinct to be held at the late residence of Alexander M'Kinzie.

Bounds of the precinct in Lincoln.

Elections to be held at M'Kinzie's.

Bounds of the precinct in Muhlenburg county.

Elections to be held at Andrew Worthington's.

Bounds of the Bath precinct.

Elections to be held at Jno. Harman's.

Voters may vote in the precincts or at their respective court-houses.

County courts respectively to appoint judges and clerks to attend the elections in the precincts.

Sheriffs to attend and conduct elections

Sec. 4. *Be it further enacted*, That all that part of Muhlenburg county, included in the following boundary, to wit: Beginning at Randall's bluff, on Green river; thence with the road leading from said bluff to Adams' ferry, on Pond river; thence down Pond river to its junction with Green river, and up said river to the beginning, shall be, and the same is hereby erected into an election precinct in the county aforesaid; and that the qualified voters in said precinct do meet at the house of Andrew Worthington, in said precinct, for the purpose of voting in all legal elections.

Sec. 5. *Be it further enacted*, That all that part of the county of Bath, included in the following boundary, to wit: Beginning at the mouth of Salt Lick; thence up the same to its head; thence south to the Montgomery county line; thence with the same to the line of Floyd county; thence with said line to Licking river; thence down the same to the beginning, be an election precinct in the county of Bath; and the elections be held at the house of John Harman, in said precinct.

Sec. 6. *Be it further enacted*, That the qualified voters in said precincts are hereby authorised to meet at the places of elections therein respectively, at all elections, and give their votes: *Provided, however*, that nothing herein contained shall prevent any qualified voter, residing within the bounds of said precincts, from voting at his court-house, in the same manner he might have done had this act not passed, subject to all the penalties heretofore enacted against voting twice at elections.

Sec. 7. *Be it further enacted*, That the county court of said counties, at the time they appoint judges and clerks to attend the general elections, shall appoint judges and clerks to attend the elections in said precincts; which said judges and clerks so appointed shall possess the same power and receive the same compensation as other judges and clerks of elections. And the sheriff shall, by himself or deputy, attend said precincts at all elections. And the sheriff,

Judges, and clerks, shall, in all respects, be governed by the same rules, regulations and restrictions, as judges, clerks and sheriffs are directed in similar cases.

Sec. 8. *Be it further enacted*, That the sheriff or deputy sheriff attending said precincts, and the sheriff or deputy sheriff attending the election at the court-house of each county, respectively, shall meet at the court-houses, on the Friday next after said elections, and compare the polls of the several candidates, and give certificates conformably thereto.

And compare the votes at their respective court-houses, &c.

CHAP. LXII.

An ACT to legalize the proceedings of the Nelson County Court, and for other purposes.

Approved, December 6, 1820.

WHEREAS the county court of Nelson, at their November terms for the years 1818, 1819, and 1820, have proceeded to allow the claims against the county, and laid the county levies to meet the same, when by law they should have so done at the August terms of said court: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the acts of the said county court, in allowing the claims and laying their levies at the said November terms, shall be valid and lawful; and all liabilities created by any officer, in the collection of said county levies, and all claims allowed by said county, shall remain the same in law, and be as valid as though the said county court had been fully authorised to allow the claims and lay their levies at the said November terms, any law to the contrary notwithstanding.

Proceedings legalized.

Sec. 2. *Be it further enacted*, That the fourth section of the act entitled "an act to alter the time of holding the county courts of Ohio and Daviess, and to legalize their proceedings in certain cases, and for other purposes," approved 9th day of January 1818, shall be, and the same is

The 4th section of a certain act repealed, and the repealed act revived.

hereby repealed; and the laws theretofore in force, and repealed by said section, shall be, and the same are hereby declared in full force.

County court of Mercer authorised to allow certain delinquent lists of the sheriff, and the auditor to allow them in his settlement with the sheriff.

Sec. 3. *Be it further enacted*, That the county court of Mercer, shall, at their January or February term next, allow any additional delinquent list of the sheriff of said county, which to them may seem just and right, either in the revenue or county levy; which being certified to the auditor of public accounts according to law, so far as the same relates to the revenue, shall be allowed accordingly.

CHAP. LXIII.

An ACT to alter the time of holding the Circuit Court in Nicholas County.

Approved, December 6, 1820.

Circuit court, when held.

County court, when held.

Process returnable to the terms as directed to be held by this act.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit court for the county of Nicholas shall hereafter be held on the fourth Mondays in the months of March, June and September, and shall sit twelve juridical days, if the business thereof shall require it. And the county courts of said county shall be held on the fourth Monday in each month, except the months in which the circuit courts are directed to be held by this act. All recognizances, writs, summonses and other process, at present returnable thereto, shall be taken and held to be returnable to said court as directed to be held by this act, and shall be as legal and valid as if this act had not passed.

All acts or parts of acts that come within the purview of this act, shall be, and the same are hereby repealed.

CHAP. LXIV.

An ACT for the benefit of the Heirs of Elijah Broaddus, deceased.

Approved, December 6, 1820.

WHEREAS it is represented to the present ^{Recital.} general assembly, that Elijah Broaddus, deceased, late of Christian county, died intestate, considerably indebted, leaving considerable real estate, and that his personal estate is not sufficient for the payment of his debts; that his heirs are infants, incapable of selling the real estate, and that it would be greatly to the interest of his heirs, as well as creditors, for so much of the real estate to be sold as would be sufficient to pay off his debts, after exhausting the personal estate: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Barnett and Beverly Broaddus, be, and they are hereby authorised to sell, at either private or public sale, for the best price that can be had, at such credit as they may deem best, not exceeding two years, so much of the real estate of said Elijah Broaddus, deceased, as will be sufficient to pay off his debts, after the personal estate shall have been exhausted in the discharge of said debts. And the said Joseph Barnett and Beverly Broaddus are hereby authorised to convey to the purchaser or purchasers, the right and title of the said heirs of said Elijah Broaddus, deceased, upon the payment of the purchase money: ^{Comm'rs. appointed to sell and convey a part of the real estate for the payment of debts.} *Provided nevertheless,* that the said Joseph Barnett and Beverly Broaddus, before they proceed to sell under this act, shall enter into bond, in the clerk's office of the county court of Christian county, with at least two good securities, to be approved of by said county court of Christian, in the penalty of ten thousand dollars, conditioned for the faithful discharge of the trusts reposed in them by this act; which bond shall be made payable to said heirs. That the money arising from such sale shall be applied to the payment of the debts of said Elijah, deceased; and that any ^{To give bond and security.} ~~deed or deeds executed by the said Beverly~~ ^{The condition thereof.}

Conveyances
to be obligato-
ry on his heirs

Broadbuss and Joseph Barnett, in pursuance of the powers vested in them by this act, shall be as binding on said heirs, and shall as absolutely transfer and convey such estate to the purchaser or purchasers, as if said heirs were of full age, and had executed such deed or deeds in proper person.

CHAP. LXV.

An ACT for the benefit of the heirs of Henry Talbott, deceased.

Approved, December 6, 1820.

Recital.

WHEREAS it is represented to this general assembly, that Henry Talbott, deceased, late of Bourbon county, departed this life, and directed by his last will and testament that his slaves should be equally divided among his children; and the executor of the last will and testament of the said Henry, deceased, finding it impracticable to divide said slaves equally in pursuance of said will, by the consent of all the heirs and legatees of said Henry, except the infant heirs of Polly Whaley, deceased, late Polly Talbott, one of the heirs of the said Henry, who consented by their guardian and father, Lee Whaley, that said executor should expose to public sale said negroes to the highest bidder amongst said legatees alone, all of whom were of age, except as aforesaid: And whereas, said executor did expose to sale said negroes so devised as aforesaid at public auction among said legatees, who severally became purchasers of said negroes, and who petition that said sale may be confirmed and legalized: Therefore,

The sale of
certain slaves
by the execu-
tor confirmed.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale made by the executor of the said Henry Talbott, deceased, of the slaves of said decedant among the said legatees and heirs of Henry Talbott, deceased, be, and the same is hereby legalized and confirmed.

CHAP. LXVI.

An ACT authorising the Trustees of Elizabethtown to perform certain duties.

Approved, December 6, 1820.

WHEREAS it is represented to the general assembly, that certain lots in Elizabethtown in the county of Hardin, have been erroneously numbered in the plan of said town : And for remedy whereof,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Elizabethtown are hereby empowered and authorised to alter and change the number of lots thirty-four and thirty-five in cross street, to number fifty and fifty-one ; and that the same be entered of record as part of the plan of said town : *Provided,* that such alteration shall in no wise invalidate any title or titles heretofore made to the said lots of ground or either of them ; but the conveyances thereof, shall be considered a legal transfer of the lots and appurtenances originally sold by the trustees of said town, and intended to have been transferred and conveyed.

Authorised to change the numbers of certain lots in the town and to record the same.

Proviso.

CHAP. LXVII.

An ACT authorising the sale of part of the Public Ground in Morgantown.

Approved, December 6, 1820.

WHEREAS, by an act approved the twenty-third day of January, one thousand eight hundred and eighteen, the trustees of the town of Morgantown laid off into lots, sold and conveyed thirty feet of ground in front of the lots facing the public square in said town being a part of the streets, by which there is an offset in the four principal streets in said town, and it is desirable that said streets be of the same width through their whole length : Wherefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Morgantown, be, and they

The trustees authorised to make the sale

on 12 months
credit.

are hereby authorised to lay off into lots, thirty feet of ground in front of each lot adjoining the four ninety feet streets, except that heretofore laid off and sold under the before recited act, so as to make the said streets straight; and so soon as they shall have laid off said lots, they shall proceed to sell the same, first having given at least sixty days' notice at the court-house door in Butler county, on a credit of twelve months, taking bond with approved security: *Provided however*, should the owners of the lot or lots which immediately adjoin said front ground, make a deed or deeds to the trustees aforesaid, for the same quantity of ground on the back part of the lot or lots which said front ground doth adjoin, the trustees shall thereupon make a deed or deeds, to the owner or owners of the adjoining lot or lots, to the front ground, reserving to the said owner or owners, the value of any improvements on the ground so conveyed by them.

Proviso.

To make conveyances & re-survey the town.

Sec. 2. The said trustees are hereby authorised to make conveyances of the lot or lots they are hereby directed to sell; and they are also authorised to cause a re-survey of said town to be made, running the cross streets at right angles from the main streets.

To pay over the proceeds to the county court for the use of the equity.

Sec. 3. And so soon as they shall have performed the duties required by this act, they shall deliver and pay over to the county court of Butler county, all bonds and money which may have come into their hands under the provisions of the before recited act and this act, except what will be necessary to pay all reasonable charges and expences attending said business, which shall be applied towards lessening the county levy.

CHAP. LXVIII.

An ACT for the benefit of Samuel Teer.

Approved, December 6, 1820.

12 months given to locate & survey 200 a-

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That twelve months from and after the passage of this act,

be allowed Samuel Teer, of the county of Union, to locate and survey two hundred acres of any vacant and unappropriated lands in the said county of Union, which he was authorised to do by an act of the general assembly, passed January 30th, 1818. acres of land in Union county.

Sec. 2. *Be it further enacted*, That on his producing the plat and certificate of survey to the register of the land-office, he shall issue a grant therefor as in other cases, without fee: *Provided*, that nothing in this act shall be construed to give to the said Teer any priority over any grant or survey previously made and executed under the laws of Virginia or of this state. Register to issue a grant therefor.
Provided.

CHAP. LXIX.

An ACT to amend an act entitled "an act directing certain Surveyors to transcribe certain Entry Books," approved February 12, 1820.

Approved, December 6, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the courts of the counties of Fayette, Jefferson, Nelson, Bourbon, Mason, Lincoln, Mercer, Madison and Woodford, or such of them as did not, agreeably to the act of the assembly aforesaid, appoint commissioners in accordance with the provisions thereof, be, and they are hereby authorised to appoint the same, on or before the first day of June next, for the purposes expressed in the said recited act. Further time given certain county courts to comply with the provisions of the act.

Sec. 2. *Be it enacted by the authority aforesaid*, That Zachariah Eastin, surveyor of Bourbon county, be, and he is hereby allowed the sum of twelve dollars, in addition to the sum allowed by law, for his services in performing his duty under said recited act, and that the auditor issue his warrant therefor. Extra allowance to the surveyor of Bourbon.

CHAP. LXX.

An ACT allowing an additional number of Constables' Districts in certain Counties.

Approved, December 6, 1820.

The county of *Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Floyd, a majority of all the justices being present and concurring therein, may lay off said county into twelve districts, (exclusive of the town of Prestonsburg) and appoint a constable in each; and the constables so appointed shall be governed by the same rules and regulations as are prescribed by the law now in force in relation to constables.

The county of *Sec. 2. The county court of Hardin, a majority of all the justices being present and concurring therein, may lay off in their county four additional constables' districts, and shall appoint in each a constable; and the constables so appointed shall be governed by the laws now in force in relation to constables.*

CHAP. LXXI.

An ACT to alter and extend the terms of the Montgomery Circuit Court, and for other purposes.

Approved, December 6, 1820.

Time of holding the Montgomery circuit courts. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the Montgomery circuit court shall commence and hold its terms on the first Mondays in the months of March, June and September in each year; and it shall be lawful for the judge of the said court to sit, at each of the said terms, eighteen juridical days, if the business shall require it. All writs or other process to compel an appearance in court to answer any cause of action or complaint whatsoever, in any civil or chancery cause, shall, from and after the first day of February next, be made returnable to the first days of the terms respectively as hereby established. It shall be the duty of the sheriff of

Montgomery county to return all such process in such cases, and which is now made returnable to the first day of the next April term of said court, to the first day of the next March term of said court, as hereby established.

Duty of the sheriff of Montgomery.

Sec. 2. *Be it further enacted*, That hereafter the Bath circuit court shall commence and hold its terms on the second Mondays in the months of May, August and November in each year. All writs or other process to compel an appearance in said court, to answer any cause of action or complaint whatsoever, in any civil or chancery cause whatsoever, shall, from and after the first day of February next, be made returnable to the first days of the terms of said court respectively, as is hereby established. It shall be the duty of the sheriff of Bath county to return all such process in such cases, and which is now made returnable to the first day of the next spring term of said county, to the first day of the May term of said county, as hereby established.

Time of holding Bath circuit court.

Sheriff's duty.

CHAP. LXXII.

An ACT declaring Trade Water a navigable stream.

Approved, December 6, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter Tradewater river shall be considered, and is hereby declared navigable from Bell's ford on the said river to its mouth, and shall be kept open and free for the passage of boats up and down the same ; and if any person or persons whatsoever, shall put any dam or other obstruction in said river calculated to impede the navigation of the same, except as is hereinafter provided for, for every such offence, shall forfeit and pay the sum of three dollars for every twenty-four hours such dam or other obstruction shall be permitted to remain in said river ; which sum may be recovered before any justice of the peace or circuit court, as each may have cognizance of

Tradewater declared navigable.

Forfeiture of persons who obstruct it.

How recovered.

Water works
may be erect-
ed with locks.

Proviso.

The sum claimed, one half to go to the informer, and the other half to lessening the county levy, and every such obstruction shall be removed; and if any person or persons should be desirous of erecting a dam or dams, across that part of said river as above described, for the purpose of mills or other water works, they shall be permitted to do so: *Provided however*, that no mill dam shall be built across said river, unless such dam is provided with a good and sufficient lock or locks, in such manner as will afford a safe and convenient passage for large flat boats of sixty feet in length, and wide in proportion: *Provided also*, that no dam shall be built across said river more than eight feet high for the purpose of any water works.

CHAP. LXXIII.

An ACT for the benefit of the Judge of the Twelfth Judicial District.

Approved, December 6, 1826.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the time now allowed by the act entitled "an act to compel the circuit judges of this commonwealth to move into, and reside in their respective circuits," the further time of one year, be and the same is hereby given and allowed to the judge of the twelfth judicial district, to move into and reside in the same.

CHAP. LXXIV.

An ACT to establish and regulate the Town of Princeton.

Approved, December 6, 1820.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the town laid off on the lands of Prince and Frazier in Caldwell county, agreeably to an act of assembly,

Princeton established, trustees appointed &c.

ly, approved, February 3, 1817, and called "Princeton," be and the same is hereby established; and all the land which was donated to the county court of Caldwell by the proprietors thereof, and vested in Reuben Rowland, Thomas Frazier, Thomas Champion, Morton A. Rucker and John H. Phelps, gentlemen, trustees for said town and their successors in office, who, or a majority of them, are hereby empowered to convey by deed any lot or lots, to the purchasers, agreeably to the plan of the town of record in the office of the county court of Caldwell.

Sec. 2. The said trustees shall remain in office until the first Monday in October next, when, and on the first Monday in October in every year thereafter, the free male inhabitants of said town above the age of twenty-one years, shall meet at the court-house in said town and elect five trustees, who shall continue in office for one year, and until their successors shall be duly elected; which election shall be conducted by the clerk of the county court for said county, who shall keep a poll of the same, and declare the persons elected, and the names to be entered in a book to be kept by the trustees.

How long trustees to remain in office, and elections regulated.

Sec. 3. The trustees shall have and possess the same powers that trustees have, by an act establishing certain towns in this commonwealth, approved, January 6, 1812.

Powers of trustees.

CHAP. LXXV.

An ACT to regulate the Town of Somerset.

Approved, December 6, 1820:

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that the town of Somerset in the county of Pulaski, has been improved agreeably to a plan surveyed and returned to the county court conformable to an order made by the court aforesaid: And whereas it appears also, upon an examination into the plan and survey, that some of the improvements will encroach upon the streets

Recited.

agreeably to the manner in which the town should have been originally laid off ; but which is improved agreeably to the manner in which the metes and bounds, as returned by the commissioners appointed by the county court of Pulaski soon after its establishment were made : And whereas it is the wish and desire of the citizens of the town aforesaid, that the improvements that have been made in good faith according to the plan and survey originally returned to the county court, should now be ratified and confirmed :

Plan confirmed
upon certain
conditions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Pulaski are authorised, upon satisfactory proof being made to them, that any owner or owners of improvements in the town of Somerset, have improved the same conformably to the plan and survey of the town of Somerset in the county of Pulaski; made by commissioners appointed by the same, and which plan and survey as originally made, was previous to the purchase of said lot or lots (that the said county court are authorised) to have a survey made, and to establish the streets agreeably to the plan and survey originally made and returned to said county court, conformably to the metes and bounds there made.

CHAP. LXXVI.

An ACT for the benefit of James Hays, Sen. and Thomas Hendricks, Sen.

Approved, December 6, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that James Hays, sen. and Thomas Hendricks, sen. of Warren county. are old and infirm, and in very indigent circumstances ; and that they were early adventurers to this country, and have rendered great services in fighting their country's battles against the Indians, without ever having received any compensation therefor : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office, shall issue to James Hays, sen. and Thomas Hendricks, sen. each, a land warrant for two hundred acres of land, which may be surveyed on any vacant and unappropriated land in this commonwealth east of the Tennessee river.

Hays and Hendricks.

CHAP. LXXVII.

An ACT to prohibit the appropriation of Lands stricken off to the state by any but an actual settler.

Approved, December 9, 1820.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that many of its citizens are settling on lands which have been stricken off to the state for the non-payment of someone of the instalments due thereon, under the laws of this commonwealth : And whereas it is represented, that the citizens aforesaid did believe that the lands aforesaid could not be appropriated by persons claiming under treasury warrants issued under the laws of this state, and have thereby been lulled to supineness, and may have not exerted themselves as they would otherwise have done, and many others could not effect the means from their poverty and inability to procure the same, to save their lands aforesaid : And whereas it is further represented to the general assembly, that many persons are now engaged in an unjust and oppressive speculation, in surveying the improvements and lands attached thereto, upon which the aforesaid citizens are settled, and expect (that) as soon as practicable, to turn out of possession those living on the lands which have been stricken off to the state :

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no claim of lands derived under any of the laws of this state which have been stricken off to the same for the non-payment of any instalment or instalments,

Lands stricken off to the state for the nonpayment of any instalment, not subject to ad-

appropriation by due thereon, shall be subject to appropriation by land office treasury warrants, seminary warrants, or any other way, till the first day of February, one thousand eight hundred and twenty-two.

CHAP. LXXVIII.

An ACT to appoint Trustees and regulate the Town of Leesburg, in Harrison County.

Approved, December 9, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that a town has been established on the land of W. E. Boswell, in the county of Harrison, by the name of Leesburg, and a plan of said town recorded in the clerk's office of said county, and the trustees appointed by said court have gone out of office, and the citizens are not entitled to elect others, in consequence of which, the purchasers of lots cannot get titles: For remedy whereof,

Trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That Minos Hearne, Samuel Kinkaid, Levin P. Scrogin, W. H. Dunbar and W. Cogswell, be, and they are hereby appointed trustees, and their successors in office, who are to be regulated by the plan of said town already made out and recorded.

Their continuance in office, and how successors are to be appointed.

Sec. 2. *Be it further enacted,* That the said trustees shall remain in office until the first Saturday in January next, on which day in every year thereafter, the free male inhabitants of said town, above the age of twenty one years, shall meet at such place as the trustees may appoint in said town, and choose by election, five fit persons for trustees, to serve for one year after the election; which election shall be conducted by the clerk and two of the trustees appointed for that purpose.

Their powers.

Sec. 3. *Be it further enacted,* That the trustees respectively so elected, and their successors in office, or a majority of them, shall appoint a president of their own body, and shall have pow-

er to pass such by-laws and ordinances; for the government of said town, as to them may seem expedient, and not contrary to the constitution and laws of this state; and they are hereby empowered to fix such fines or penalties, not exceeding ten dollars, for a breach or breaches of said by-laws, as they shall deem proper; and all fines by them respectively imposed, shall be sued for in the name of the board of trustees respectively, and be recoverable before any justice of the peace; and the money so recovered shall be applied to the benefit of said town.

Sec. 4. The said trustees respectively shall appoint a clerk, who shall be removable at pleasure, and shall, before he enters on the duties of his office, take an oath, before the president of the trustees, to keep a fair record of their proceedings; and the trustees respectively, for the time being, and their successors in office, shall severally, before they enter on the duties of their office, take an oath, before the clerk or some justice of the peace, that they will faithfully discharge the duties to them committed, without favor, or affection, or partiality; which oath shall be recorded by the clerk.

Clerk to be appointed, &c.

His duty.

Sec. 5. That the said trustees shall appoint a treasurer, who shall continue in office until a successor be appointed. He shall receive a compensation for his services, not to exceed six per cent on all monies by him received. The treasurer, before he enters on the duties of his office, shall enter into bond, with approved security, payable to the trustees respectively; which bond shall be in the penalty of five hundred dollars, and conditioned that he will [well] and truly discharge the duties of his office; on breach of the conditions of which bond, the said trustees, or their successors, respectively, may from time to time commence suit and recover judgment thereon; and on issuing execution on any judgment so obtained, the clerk shall endorse that no security be taken. And said treasurer, if he fail to pay over any moneys in his hands, after being ordered so to do by a board of trustees, shall be liable to pay the same, together with

Treasurer to be appointed, and his duty.

To give bond and security.

May be sued on for a breach of the conditions thereof.

fifteen per centum damages on the amount thereof, with interest thereon, and cost of suit.

Assessor to be appointed. Sec. 6. The trustees respectively shall appoint a town assessor, who shall assess the value of all lots in said town, and the improvements thereon, and such other property as the trustees respectively may direct, and return the same to the clerk of said town when directed by said trustees; and any person who may think himself aggrieved, may appeal to the board of trustees.

His duty.

Collector to be appointed, and his duty. Sec. 7. The said trustees respectively shall appoint a town collector, who shall, before he enters on the duty of his office, enter into bond as herein prescribed for the treasurer; and in case of failure to comply with the duties of his office, he shall be subject to the same penalties and mode of proceedings as before prescribed in the case of the treasurer. He shall regularly, at the time prescribed by the trustees, settle with and pay over to the treasurer, all sums by him collected. The said collector shall have the same power to collect and distrain for the taxes of said town, as the sheriff now possesses for the collection of the taxes of the commonwealth; the goods and chattels of the tenants or occupants shall be liable for the amount of taxes due on the lot or lots, and if no occupant, then the collector shall sell so much thereof as will defray the tax and cost; and the trustees shall execute to the purchaser titles, as to the other purchasers of town lots. The collector shall receive for his services any sum not exceeding six per centum on all monies collected, as the trustees may think reasonable. He shall collect the tax, &c. whenever directed by the trustees.

To give bond.

His compensation.

Trustees may impose a tax on the property & titheables in the town. Sec. 8. The said trustees respectively, and their successors in office, or a majority of them, shall have power and authority to impose a tax annually on the persons and property, both real and personal, within the limits of said town, not to exceed fifty cents on each tithe, and twenty-five cents on every hundred dollars worth of property.

Sec. 9. That no person shall be a trustee of said town, unless he be the fee simple owner of

ground therein, and resides in said town, and shall also be above the age of twenty-one years; and in case a vacancy should happen in the board of trustees, by death, resignation or removal out of said town, the said trustees respectively, or a majority of them, shall have full power to fill such vacancy or vacancies, and the member so added shall continue in office until the succeeding annual election.

Qualifications
for a trustee.

Trustees to fill
all vacancies in
the board.

Sec. 10. The trustees respectively shall have power to impose a tax on any person or persons, who, for a compensation, shall exhibit any show within the said town; which tax shall not exceed ten dollars per day, for each fete or show, collectable by the town collector, or by any one of the trustees, by warrant in the name of the trustees of said town, together with costs of said suit.

May tax shows.

Sec. 11. The trustees of said town shall have the exclusive privilege, by an ordinance or by-law, of declaring what shall be a nuisance or obstruction in said town; and that whensoever any such nuisance or obstruction may be erected or created in said town, by any person or persons whatsoever, or by any tenant or other person in whose possession the premises are, the trustees may impose a fine by their by-laws, not to exceed ten dollars, collectable by warrant in the name of the trustees, for every twenty-four hours such nuisance may remain in said town, or they may at their election remove the same at the expense of the person or persons erecting or creating the same.

May remove
and suppress
nuisances.

And impose
fines therefor.

Sec. 12. That every trustee who shall fail to attend their appointed meetings, without a reasonable excuse, shall forfeit and pay two dollars for every failure, to be appropriated for the use of said town; which fine shall be collected on judgment from any justice of the peace.

Penalty on a
trustee for fail-
ing to attend
meetings.

Sec. 13. All taxes, fines or assessments that may be collected and received by the trustees of said town respectively, under the provisions of this act, shall be by them applied to the improvement of the streets, alleys, and to such other

Taxes, &c.
how to be ap-
plied.

purposes as they may deem necessary for the general benefit and safety of said town.

Trustees to
make deeds.

Sec. 14. It shall be the duty of said trustees respectively to transfer and convey any lot or lots of ground in said town, whenever called upon by any person or persons entitled to the same.

May enlarge
the town.

Sec. 15. The proprietor of said town, by the consent of the trustees, may at any time enlarge the same to any number of lots, so as the whole amount of ground laid off shall not exceed twenty-five acres; and when so enlarged, a plan shall be made of the same, and recorded in the court of said county of Harrison; and the said lots, when laid off, shall be disposed of in any way the proprietor may direct, either by public or private sale.

Inhabitants to
work on roads.

Sec. 16. And the trustees of said town respectively shall allot the boundary of the road in and adjoining said town, which the inhabitants of said town shall be bound to keep in repair, and to enlarge or diminish the same as they may deem proper, and also to appoint an overseer of the same.

CHAP. LXXIX.

An ACT establishing a Toll Bridge on Beargrass, in Jefferson County.

Approved, December 9, 1826.

Subscribers to
the bridge au-
thorized to
take toll.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That James H. Overstreet, William C. Galt, George C. Gwathmey, James Hughes, James M'Crum, James Rudd and Robert Ormsby, and all other persons who subscribed to the building of the bridge across Beargrass creek, near its mouth, in Jefferson county, shall be, and they are hereby invested with the right of collecting and receiving the following rate of toll for passing said bridge: For each person, six and one fourth cents; for each cart of two wheels, six and one fourth cents; for each waggon with four wheels, twelve and a half cents; for each carriage for*

Rates of toll.

conveyance of persons, with two wheels, twelve and one half cents ; for each such carriage with four wheels, twenty five cents ; for each head of neat cattle, three cents ; for each hog, one cent : *Provided, however,* that the following persons shall pass said bridge free of toll, on the following occasions, to wit : All public messengers and expresses ; the citizens of Jefferson county residing on the north-east or upper side of Beargrass creek, on all the days of their county and circuit courts ; the voters of said county, residents as aforesaid, on all days of election in said county ; and the militia men of said county, resident as aforesaid, in going to and returning from muster on days of muster.

Persons to pass toll free.

Sec. 2. It shall be lawful for the persons before named, and other persons who have subscribed to the building of the said Beargrass bridge, to assemble at the court-house in Louisville, on the first Monday of February next, or as soon thereafter as convenient, and elect five directors to superintend the business of said association ; which directors shall elect their chairman, and such officers as they may think proper, and prescribe rules and regulations, and make contracts for the collection of the toll aforesaid ; and the election of directors shall take place annually on the first Monday of February, and the directors for the time being shall have power to fill all vacancies between the periods of annual election ; and the said directors, in the name and style of " The Beargrass Bridge Company," shall have power to contract and be contracted with, sue and be sued, relative to all the concerns of the said toll bridge.

Subscribers to elect directors annually, and their powers.

Sec. 3. Whenever the said Beargrass bridge company shall have received from the said tolls, the amount of the sum actually expended in building said bridge, and ten per cent. thereon, it shall be lawful for the county court of Jefferson to declare the said bridge a free and public bridge, after which said Beargrass bridge company shall have no right to receive or collect toll on said bridge, but the same shall be considered a county bridge.

To fill vacancies, sue and be sued, and to make contracts

When the company have received the amount expended, &c. bridge to be free.

Commrs. to be appointed to ascertain the cost of building the bridge.

Sec. 4. It shall be lawful for the county court of Jefferson, as soon as may be, to appoint three commissioners, who shall ascertain and report to them the sum actually expended in building said bridge, and the directors of said Beargrass bridge company shall furnish the said commissioners, on request, with a full, true and just account of the net amount of toll collected from said bridge, after deducting the expences of collecting the same, which shall be reported by them to the county court; and if it should appear to the satisfaction of said court, that the said Beargrass bridge company have received the amount described in the foregoing section, the said county court shall declare said bridge toll-free; and if the said directors shall fail or refuse to render the account before described to the commissioners, on request, it shall be lawful for the said county court to declare said bridge toll-free.

And the bridge to be toll free when the proprietors are repaid the cost and interest.

Sec. 5. It shall be lawful for the directors appointed at any annual election, to continue in office until others shall be actually elected.

Power to repeal this law reserved.

Sec. 6. It shall at all times hereafter be in the power of the legislature to repeal and modify this act as they may think proper.

CHAP. LXXX.

An ACT for the relief of the heirs at law of John Walker, deceased.

Approved, December 9, 1820.

Preamble.

WHEREAS it appears to the general assembly, that on the tenth day of December 1783, there were two surveys made in the name of John Walker, since deceased, of one thousand acres each, of land lying in the then county of Jefferson, now Grayson, entered on treasury warrants numbers 7572 and 7573, and that the said surveys were duly registered in the land-office of Virginia, and that patents issued on said surveys for said land, dated 25th March 1786, and there was an omission to record the said patents; at

any rate, that the patents cannot be found of record in the land-office, either of Virginia or this state; and it also appears that the original patents are lost or mislaid, and thereby the heirs and representatives of the said Walker are deprived of the evidence of their title to said land, and have petitioned for relief: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office of Kentucky, be, and he is hereby required to issue patents to the heirs at law of the said John Walker, deceased, for the said two tracts of land, according with the plats and certificates of survey now in his office.

Register to issue new grants to the heirs on the original plats and certificates of survey.

Sec. 2. Nothing in this act contained shall be construed to give any preference to the heirs at law of said Walker, deceased, over any other claimant to said land; nor shall any thing in this act contained be construed to prejudice the claims of said Walker's heirs under the patents formerly obtained, should such patents ever be obtained: *Provided also*, that nothing in this act shall be so construed, whereby the said claim shall be considered in any court of law or equity as valid against the claim of any person or persons who now have any legal entry or survey, derived from this state, or a patent from the state of Virginia, for any of the land embraced in the patents hereby directed to be issued.

Other claims not to be prejudiced.

Proviso.

CHAP. LXXXI.

An ACT to establish and regulate the Town of Elkton, in the County of Todd.

Approved, December 9, 1820.

WHEREAS it is represented to the present general assembly, that the commissioners appointed by law to fix upon the place for the permanent seat of justice for the county of Todd, located the same upon the lands of John Gray, near to, and west of Elkton; and that said Gray hath laid out a town adjoining, and round the public square, extending quite to Elkton; and

Preamble.

that a plan thereof, a plan of Elkton, and a plan of lots laid off and sold by William Greenfield, east of Elkton, are all recorded in the county court clerk's office of said county, with explanatory notes therewith; and that the proprietors thereof, and those concerned, are anxious that said several plans be connected and established in one town by the name of Elkton, and placed under the direction of one board of trustees : Therefore,

Town established & trustees appointed

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said three plans as laid out, and recorded in said clerk's office, be, and the same are hereby united and established into one town, by the name of Elkton; and that John Mann, Charles Smith, James R. Gray, Thomas Hadden, Hazel Petree, James Kendall and Anthony F. Read, be, and the same are hereby appointed trustees for said town; and that they meet at the court-house in said town as soon as they can find it convenient, after the passage of this act, and take the oath of office of trustees for said town hereby established, form a board, appoint a clerk, and do and perform every other act as trustees for said town, as they shall deem necessary, any five of whom shall constitute a board to do any kind of business.

General powers.

Trustees to make deeds for lots therein.

Sec. 2. *Be it further enacted,* That all lots, the legal title of which shall remain in the original proprietor thereof at the passage of this act, as exhibited on each and either of said plans, hereby united and established in one town, shall be, and the same are hereby vested in said trustees; and they or any five of them, are hereby vested with full power and authority to make good deeds to any purchaser thereof, or persons thereto entitled, upon the proprietor's order or receipt for the payment in full of the purchase money; which deeds shall be good and valid in law and equity.

To sell balance of the lots remaining unsold.

Sec. 3. *Be it further enacted,* That said trustees are hereby authorised and required to make public sale of all the unsold lots in said town, upon such terms and conditions, and at such time

and manner as said proprietor may direct, for the benefit of said proprietor, taking bond and good security for the purchase money, payable to the proprietor, and deliver the same to him ; but shall make no title to any lot, until the purchase money is fully paid ; and all lots, streets and alleys, shall remain as exhibited in said plans, as they are of record, unless altered by consent of the owners, proprietors and trustees ; and said trustees shall remain in office for two years, and until the next August election thereafter, at which time, they shall hold an election.

Trustees to remain in office two years.

Sec. 4. *Be it further enacted*, That said trustees, and their successors in office, shall possess all the power and authority vested in trustees of towns by the act passed the 19th of December, 1796, entitled " an act concerning the establishing of towns," and the several acts amendatory thereto ; and shall in all respects be regulated and governed thereby.

Powers of the trustees.

CHAP. LXXXII.

An ACT to establish a Turnpike by the way of Williamsburg, Whitley County.

Approved, December 9, 1820.

WHEREAS it is represented to the present general assembly, that it would conduce to public advantage to open a road from near John Jackson's in Knox county, by way of Williamsburg to the Tennessee state line : Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Hibbard and William M'Kee of Knox county, and Thomas Laughlin, Sen. Samuel Walker and Francis Faulkner of Whitley county, be appointed commissioners, who, or a majority of them, are hereby authorised to let the opening and keeping in repair, said road, in the manner hereinafter described, from near Jackson's in Knox county, by way of Williamsburg in Whitley county, to the Tennessee state line. The said road is

Comm'rs. appointed to let the opening & keeping in repair a road.

The place
where & man-
ner in which
it shall be o-
pened.

to be opened thirty feet wide in all places practicable; all muddy places are to be causewayed with timber not less than twelve feet in length; and the hill sides shall be dug at least twelve feet wide, and reduced to a plane, and the ascent and descent of every hill and bank of every water course, shall be so graduated as to permit wag-
gons and other wheel carriages to pass safely with their accustomed burthen and loading.

Comm'rs to ad-
vertise the let-
ting the road.

Sec. 2. It shall be the duty of said commission-
ers to advertise at the doors of the court houses in the counties of Knox and Whitley, and at such other public places as they may think fit, the time and place they will let the opening and keeping in repair said road, at least four weeks previous thereto; and they shall let the same to the person or persons who will open the same agreeably to the provisions of this act, and to keep the same in repair for the shortest period of time, not ex-
ceeding twenty years, taking bond with approved security from the undertaker or undertakers, in the penal sum of ten thousand dollars, payable to the commonwealth of Kentucky, conditioned for the faithful discharge of all the duties required by this act.

To take bond
and security
from the under-
takers thereof.

Comm'rs. to
grant certifi-
cate, and un-
dertakers may
erect gates, &c

Sec. 3. *Be it further enacted,* That so soon as the undertaker or undertakers, shall procure from a majority of said commissioners, a certificate, that the same is opened and completed agreeably to the provisions of this act. then, and in that case, it shall be lawful for him or them, to erect a turnpike at some convenient place on said road; and shall have the right to receive the rates hereinafter mentioned, for passing the same: For each person (except post-riders, public ex-
presses and children under the age of ten years) six and one fourth cents; for every horse, mare, gelding, mule, jack or jenny, six and one fourth cents; for every cart or carriage with two wheels, thirty-seven and one half cents; for every sleigh or slide, twelve and a half cents; for every wag-
gon or carriage with four wheels, seventy-five cents; for every head of neat cattle, three cents; for every head of hogs, sheep or goats, one cent. And if any person or persons shall pass the said

Rate of tolls.

gate without paying the fees aforesaid, he or they, shall forfeit and pay five dollars for the use of said gate, keeper or company, to be recovered before any justice of the peace in this commonwealth.

Penalty for allowing the payment of toll.

Sec. 4. *Be it further enacted*, That the bond required to be taken by this act, shall be lodged in the office of the Whitley circuit court; and if said road is suffered or permitted to remain out of repair for the space of four weeks at any one time, after said gate is erected, the said undertaker or undertakers and their securities, shall be liable to a fine of not less than ten, nor more than one hundred dollars, at the discretion of the judge of said circuit court, to be recovered by motion before the judge of said court: *Provided however*, that ten days' notice be given to the undertaker, previous to the time of making said motion; one half of which fine, shall go to the use of the informer, and the other half to the use of the commonwealth.

Penalty for permitting road to be out of repair.

May be recovered by motion on 10 days' notice.

Sec. 5. *Be it further enacted*, That the said commissioners are vested with power to throw open said gate at any time when said road may have remained out of repair for the space of two months, and shall cause the same to be kept open so long as the undertaker shall fail to put the same in repair.

Commrs. may open the gate when the road is not in repair

Sec. 6. *Be it further enacted*, That the said commissioners shall be entitled to the sum of nine shillings per day, for each day they may be necessarily employed in performing the duties imposed upon them by this act, to be paid by the undertaker or undertakers. If either of said commissioners, shall at any time resign, die or refuse to act, it shall be the duty of the county court of that county in which said commissioner may reside, to fill said vacancy.

Allowance to commrs.

Sec. 7. *Be it further enacted*, That the hands who have been allotted by the county court of Whitley to work on said road, shall be compelled to work three days on said road in each and every year, subject to the control of the undertaker; and upon the failure or refusal of said hands to work as aforesaid, they shall be liable to the

Hands to work on road.

Preamble.

same fine as is now recoverable in like cases, for the use of the undertaker : *Provided*, that every person allotted to work on said road, their family and property shall be exempt from paying toll at said gate ; and shall be exempt from working on any other road in said county.

CHAP. LXXXIII.

An ACT for the benefit of Alexander M' Coy.

Approved, December 9, 1820.

\$10 dollars allowed him.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That five hundred and ten dollars be allowed to Alexander M' Coy, as a compensation for his services and expences, while acting as an agent under commission from the governor of this commonwealth, for the purpose of securing and bringing to justice, a certain Ferril Davenport, who was charged with the murder of Charles Mallory of Scott county ; and the auditor is hereby directed to issue a warrant on the treasurer for the same.

CHAP. LXXXIV.

An ACT for the benefit of the Heirs of David C. Irvine, deceased.

Approved, December 9, 1820.

Preamble.

WHEREAS it is represented to this general assembly, that the late David C. Irvine of the county of Madison, in his lifetime, was seized of a small tract or parcel of land in said county, not exceeding fifteen acres, the greater part of which he sold to Moses Barber of said county by verbal contract ; and the said Barber has been and is now in possession of the same, and has paid a part of the said purchase money to said Irvine in his lifetime ; Irvine at the same time authorised the said Barber to sell the residue of said land for him ; in pursuance of which, said Barber sold the residue of said tract to George

Gardner : And it is further represented, that in consequence of the said Barber having consumed the greater part of the timber on the part sold to him, it is deemed advantageous to the interest of the infant heirs of the said David C. Irvine, that the said parcel of land should be conveyed to said Barber and Gardner, to enable them to receive the balance of the purchase money : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Richard C. Holder, of Madison county, be, and he is hereby authorised and appointed to convey all the right and title of the said heirs of said David C. Irvine, deceased, to said Moses Barber, in and to the part of said tract so sold to him by David C. Irvine, upon his paying the balance of the purchase money to the administrators of said David C. Irvine, deceased ; and in like manner to convey to George Gardner, the part sold to him, upon his paying the purchase money. But if the said Gardner should refuse to pay the purchase money, and receive said deed, then the said Richard C. Holder shall, and may convey the same in like manner to any other purchaser.

Com'r. to convey certain real estate of the decedant, sold in his lifetime.

CHAP. LXXXV.

An ACT to amend an act entitled "an act to incorporate the Union Circulating, and Fredericksburg Social Library Companies.

Approved, December 9, 1820.

WHEREAS, by an act of the general assembly of the commonwealth of Kentucky, approved, twelfth February, one thousand eight hundred and twenty, entitled "an act to incorporate the Union circulating, and Fredericksburg social library companies," that A. Silven, Joshua Wilson, Hugh M'Roy, Joshua Davis and James Tanansance and others, were incorporated under the name and style of the Directors of the Union Circulating Library Company, and it appearing to the satisfaction of the present general as-

Preamble.

sembly, that there was not then, nor is there now any such persons as the said A. Silven, Joshua Wilson, Hugh M'Roy, Joshua Davis and James Tanansance, residing in the said county of Union or adjacent thereto ; in consequence of which, the said corporation has been rendered unable of carrying into effect the true intent and meaning of said recited act : For remedy whereof,

Trustees appointed to the Union company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Fletcher, Edward Willett, Aaron Silver, George Callett, Joshua H. Davis, Henry F. Delaney, Samuel Casey, Hugh M'Elroy and Hiram Givens, be, and the same are hereby invested with full power and authority, which the said corporation possessed under the said recited act.

Their powers.

Sec. 2. *Be it further enacted*, That the said corporation shall have full power and authority to collect all debts due said institution, which may have, or shall hereafter become due to said corporation, any law to the contrary notwithstanding.

CHAP. LXXXVI.

An ACT for the benefit of the Executors, Widow and Heirs of Christian Hahn.

Approved, December 9, 1830.

Preamble.

WHEREAS it is represented to the present general assembly, that Christian Hahn departed this life considerably indebted, possessed of two out-lots in Bardstown, and one in-lot in said town, and a small personal estate, which has been exhausted in the discharge of a part of his debts, leaving yet owing from his estate, debts to the amount of eight hundred dollars ; and the executors, widow and heirs of said Hahn, have petitioned the legislature to direct the said out-lots, and that part of the in-lot which is unimproved, to be sold in order to raise money to discharge the said debts, whereby the dwelling for the wid.

ew and children, may be saved to them : There-
fore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Carpenter, Joseph Lewis, William Shadburn and Daniel S. Howell, be, and they are hereby appointed commissioners, who, or any three of whom, are vested with full power to expose to public sale, and convey to the purchasers, the two out-lots in said town, and so much of the in-lot, off the north side thereof, as will be sufficient to pay the debts which yet remain due from the said estate; which sale shall be made upon a credit of one year.

Comm'rs. to sell and convey certain real estate of the deceased.

Sec. 2. *Be it further enacted*, That the said commissioners shall take from the purchaser or purchasers, bond and good security for the payment of the purchase money; and shall collect the same and apply it towards the payment of the debts of the said Hahn.

Comm'rs. to take bond for purchase money.

Sec. 3. *Be it further enacted*, That before the commissioners shall proceed to execute the trust hereby created, they or a majority of them, shall first give bond and security, to be approved of by the Nelson county court, to the commonwealth of Kentucky, in the penalty of fifteen hundred dollars, conditioned for the faithful discharge of the duties required by this act; which bond may be put in suit by any person aggrieved by a violation of the condition thereof.

Comm'rs. to give bond.

Condition thereof.

Sec. 4. *Be it further enacted*, That the said commissioners, or such of them as may act, shall make out and sign a detailed report of their proceedings under this act, and file the same with the clerk of the county court of Nelson, for safe keeping, who shall record the same.

To make a report of their proceedings to Nelson county court.

Sec. 5. *Be it further enacted*, That such of the commissioners as shall take upon themselves to perform the duties hereby directed, shall, after they have collected the money and applied the same to the payment of the debts of said Hahn, settle with the county court of Nelson, who shall allow them such compensation for their services as they shall think right; and whatever money there may be remaining in their hands upon such act-

To pay the debts of the deceased out of the proceeds of sale, & pay over any balance to the guardian of the heirs.

tlement, the county court shall direct the payment over to the heirs, or the guardians of the heirs of the said Christian Hahn.

CHAP. LXXXVII.

An ACT for the benefit of James Freeman.

Approved, December 9, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that James Freeman of Whitley county, is living on a small piece of poor land in said county; that he is a soldier of the revolution, and is unable to pay the state price for the same: Therefore,

Register to issue a land warrant for 100 acres without state price being paid, to be located on the land where he resides.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office issue to said Freeman a warrant for one hundred acres of land, which may be located on the land on which he resides, and nowhere else, and shall be so expressed in the warrant; that upon the survey being made and returned, a patent shall issue as in other cases; that the register shall issue the warrant without the state price being paid thereon, and register the survey without fee: *Provided,* that said Freeman shall not transfer said land, but it shall, on his death, descend to his heirs; and that the said location shall not affect the right of any other person to said land.

Previso.

CHAP. LXXXVIII.

An ACT requiring the inhabitants of Prestonsville to work on a particular Road.

Approved, December 9, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall be lawful for the county court of Gallatin to require all persons who now, or may hereafter reside in the town of Prestonsville, and who are by the laws now in force bound to work on

any road, to work on the road leading from said town to New Castle, from said town of Prestonsville to the top of the river hill, subject to the same penalties for failure as are inflicted on other persons, any law to the contrary notwithstanding.

CHAP. LXXXIX.

An ACT for the relief of Taylor Noel.

Approved, December 9, 1820.

WHEREAS it is represented to the present general assembly, that John Crutchfield caused an entry, on a treasury warrant for nine thousand acres, to be made on the twenty-third day of December 1782, and that a survey was executed thereon for four thousand three hundred acres, part thereof, on the twenty-ninth day of April 1791, and duly recorded in the surveyor's office of Bourbon county; that one John Gale was the agent of the said Crutchfield, and had the entire management thereof; that the said Gale withdrew from the surveyor's office the plat and certificate of survey, and departed this life in the year 1796, without registering the plat and certificate of survey; that the said John Crutchfield transferred to Taylor Noel one moiety of the said land; that the death of said Gale was unknown to the said Crutchfield and Noel, until after the expiration of the term limited by law for registering plats and certificates of survey: For remedy whereof.

Preamble.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land-office shall be, and he is hereby authorised and required to receive and register the copy of the plat and certificate of survey, recorded in the surveyor's office of Bourbon county, purporting to have been made on the twenty-ninth day of April 1791, for four thousand three hundred acres, and shall issue a grant therefor according to law, to Milley Crutchfield and Wm. Crutchfield, devisees of John Crutchfield, dec'd.

Register to receive and register a copy of a plat and certificate of survey, and to issue a grant.

Proviso.

Provided, that such grant shall not prejudice the rights of any other persons, who may now have any legal claim to said land, or any part thereof, either by entry, survey or patent: *Provided*, that any such adverse claim shall have been entered previous to the first day of October 1820, and not otherwise.

Preamble.

And whereas by the second section of the act entitled "an act for the benefit of Rebecca Gill and others," approved February ninth 1819, the register of the land-office was authorised and directed to receive and register a plat and certificate of survey described in the recital of the said act; and whereas John Arnold did deliver the original plat and certificate of survey to the chairman of the committee of courts of justice, at the time the act aforesaid was passed, by whom the said original plat and certificate of survey has been lost, or so mislaid that it cannot now be found: And whereas the register of the land-office now refuses to register a copy of the plat and certificate of survey aforesaid: Therefore,

Register to receive a copy of a plat and certificate of survey, and issue a grant.

Sec. 2. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised and required to receive and record a copy of the plat and certificate of survey described in the second section of the act aforesaid and the recital thereto, and that a grant may issue thereon as in other cases.

CHAP. XC.

An ACT to add a part of Allen County to the County of Simpson.

Approved, December 9, 1820.

Boundary of the part added.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Allen county, in the following bounds, be, and the same is hereby added to the county of Simpson: Beginning at the south-east corner of Simpson county, running east with the Tennessee state line to the Sulphur fork of Drake's creek; thence down the Sulphur fork to where a

hollow mouths that runs from William Bark's to Henry Wright's sugar camp; thence nearly north to James Boren's old plantation; from thence to the mouth of Sulphur fork, where it joins the Middle fork; thence to the north-east corner of Simpson county.

Sec. 2. *Be it further enacted*, That it shall be lawful for the sheriff of Allen county to make distress for any taxes, levies or other public dues, or officers' fees, or executions on judgments in the Allen courts, in civil cases, and which are unpaid by the inhabitants within the aforesaid bounds, at the time this change takes place; and he shall be accountable in like manner as if this act had not passed.

Officers to make collections, &c.

CHAP. XCI.

An ACT to amend an act entitled "an act reserving certain property from execution," approved February 4, 1815.

Approved, December 9, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the necessary tools and implements of trade, of any mechanic in this commonwealth, shall not be subject to execution or distress, otherwise than by attachment; and in addition to the goods and chattels of housekeepers now reserved by law, and not subject to execution, there shall be allowed to each family, of their goods and chattels which shall not be subject to execution or distress, one work beast, one plough and gear, one axe, one hoe, and the essential cooking utensils of the family: *Provided, however*, that the work beast of any mechanic who claims the exemption of tools under the provision of this act, shall be liable to execution and distress as heretofore: *And provided also*, that the provisions of this act shall not be construed to extend to any but actual bona fide housekeepers with a family.

Certain property exempted from execution.

Proviso.

Proviso.

Sec. 2. Nothing in this act shall prevent the said property from being liable to the payment of revenue tax and county levy.

No contract made previous to 1st of March to be affected.

Sec. 3. This act shall have no effect on any contract made previous to the first day of March next.

CHAP. XCII.

An ACT for the benefit of the Seminary in Whitley County.

Approved, December 9, 1820.

Preamble.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that the justices of Whitley county have heretofore sold the donation lands allowed by law to said county for the use of a seminary of learning, and doubts are entertained whether they are legally authorised to convey the said land: Therefore,

Justices of Whitley county authorised to convey their seminary lands Proceeds to be applied to the erection of suitable buildings, &c.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the justices aforesaid, by themselves or their agent, are authorised and empowered to convey the six thousand acres of land allowed by law as aforesaid, or any part thereof. And the proceeds thereof shall be applied to the building a house, and purchasing books for the use and benefit of the said seminary of learning.

CHAP. XCIII.

An ACT to amend the act to reduce into one the several acts concerning Wills, &c. and to repeal in part, and amend the act entitled "an act to amend the several acts regulating Conveyances."

Approved, December 13, 1820.

Copy of a will containing a devise of estate in this common

Sec. 1. **BE it enacted by the General Assembly of the Commonwealth of Kentucky,** That where any last will and testament, containing a devise of land or other estate in this commonwealth,

shall have been, or may hereafter be proved and admitted to record by the proper court of any of the United States, or a foreign country, where the testator last resided, that it shall and may be lawful for any person or persons interested in the lands or other property devised in said will, to cause such will, or a copy thereof, to be recorded in the clerk's office of the court of appeals of this state: *Provided*, that the said will, or a copy thereof, shall be certified by the clerk, if there be one, if not, by the judge of the court of probate, under the seal of the said court. Any will, or copy thereof, so proved and recorded, shall be evidence in all courts in this commonwealth, and have the same effect as if it had been proved and recorded in the court of the county where such land or other property shall be; and it shall and may be lawful for any person who may be interested in the lands or other property devised by said will, by his, her or their bill in equity, to be filed in the circuit court having jurisdiction, to contest the validity of such will, in the same manner, and within the same time, that he, she or they could do, had the said will been proved and admitted to record in the court of the county where the land or other estate may be at the time of the recording aforesaid.

Sec. 2. *And be it further enacted*, That where any judgment shall hereafter be given jointly against the executor and the heir or devisee, that the execution shall be first levied upon the goods and chattels in the hands of the executor or administrator, and for the balance on the lands or other estate of such heir or devisee, according to the nature of the judgment; and the officer shall, in every such case, unless otherwise directed by the heir or devisee, first expose and sell the personal estate in the hands of the executor or administrator; and if that is not sufficient, then expose so much of the real or other estate as may be necessary to make the balance.

Sec. 3. *Be it further enacted*, That the first section of the act entitled "an act to amend the several acts regulating conveyances," approved

wealth, which shall be admitted to record in a court of any one of the U. S. or a foreign country, may be admitted to record in the court of appeals, without making proof of its execution.

Provided.

Any such will, or a copy, may be used as evidence in the courts of this state.

Mode of contesting the validity of a will thus admitted to record.

Executions on joint judgments against the executor or administrator and heir or devisee, to be first levied on the estate in the hands of the ex'r. or administrator, & then upon the estate in the hands of the heir or devisee

First section of act regulating conveyances repealed.

February 11th, 1820, be, and the same is hereby repealed,

No mortgage or deed of trust, of real or personal property, good against creditors or purchasers without notice, unless deposited for record in the proper office, within 60 days after its execution.

Sec. 4. No deed of mortgage, or deed of trust, hereafter made or executed, for or upon any real or personal estate, shall be good or valid against any creditor, or a purchaser for valuable consideration without notice thereof, unless such deed shall, within sixty days after its execution, upon the acknowledgment or proof thereof by two subscribing witnesses, according to the existing laws, be deposited for record in the office of the county court clerk of the county where the estate therein conveyed, or the greater part thereof lies.

CHAP. XCIV.

An ACT to authorise the establishing of Private Passways.

Approved, December 13, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that in some of the most populous counties in the commonwealth, many of the citizens have enclosed the whole of their lands by joining fence to fence, to the great injury of those who may be legally and necessarily required to attend courts, elections, &c. For remedy whereof,

County courts shall, upon application, appoint viewers to view a way for a private passway through enclosed lands. 10 days' notice of such application to be given to the person owning the lands. Oath to be taken by the viewers.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for any person aggrieved as aforesaid, having given ten days' notice to the person through whose lands it is intended the passway shall be established, to apply to the county court for his county, whose duty it shall be to appoint four housekeepers of good fame and no wise related to either party (any three of whom may act,) who after taking an oath before some justice of the peace, that they will faithfully and impartially discharge the duties required of them by this act according to the best of their skill and judgment, [may] go upon the lands so enclosed, and

having carefully examined into the whole cause of complaint, should a majority of them be of opinion that a passway is absolutely and indispensably necessary to enable the party complaining to attend courts, elections or warehouses, they shall designate the exact route the said passway ought to be laid out, and determine the width the same shall be, which shall not exceed fifteen feet.

Sec. 2. *Be it further enacted*, That in no case shall any passway be established through arable lands.

Sec. 3. *Be it further enacted*, That no passway shall be established through inclosed wood lands, if the proprietor of those lands will leave outside of his enclosure, and within the limits of his own lines, fifteen feet, which will be suitable ground for a passway.

Sec. 4. *Be it further enacted*, That the commissioners shall make out a descriptive report of the said passway, and having signed the same, deliver a copy thereof to the proprietor or proprietors of the lands through which they are to pass, ten days at least, before the original report shall be acted on by the county court.

Sec. 5. *Be it further enacted*, That on the commissioners returning to court their report, it shall be the duty of the court, either to establish the said passway, or to order such proceedings to be had by jury as is now directed by law in establishing public roads, provided the parties should object to the establishment of said passway.

Sec. 6. *Be it further enacted*, That where a gate or gates shall be necessary on the passway so established, it shall be the duty of the proprietor of the lands on which such gates may be put, to erect strong and durable gates (the applicant paying for the same) of sufficient width to admit the passage of waggons and other carriages, within two months after establishing such passways.

Sec. 7. *Be it further enacted*, That every person who shall put or cause to be put, any obstruction in any of the passways established by this

To designate the route and width of the proposed passway.

Not to exceed 15 feet wide.

No passway to be established through arable lands.

Nor through inclosed wood lands, if the proprietor will leave a passway outside of his enclosure, 15 feet wide.

Comm'rs. to make out a report and deliver a copy to the proprietor of the lands, 10 days before court.

Proceedings, on the return of the report in the county court.

Gates to be erected, when necessary, by the proprietor of the lands, at the expence of the applicant, within two months after the establishment of the passway.

Fine on whoever person for obstructing the

passway, or leaving open the gates.

Punishment on a slave.

Fines, how to be recovered and applied.

The proprietor of the lands may apply to change the route of the passway through his lands.

The proceedings to be had on an application for a change.

County courts may discontinue private passways.

Appeals may be taken from county courts to court of appeals.

act, so as to prevent the passage of waggons or other carriages, or shall prop and leave open the gate or gates in said passway, shall, if a white man, be subject to a fine of four dollars; and if a slave, be whipped by order of a justice of the peace, for every such offence.

Sec. 8. *Be it further enacted*, That the fines recoverable by this act, may be recovered before any justice of the peace for the county where the offence may have been committed, one half to go to the informer, and the other to be applied to the seminary of said county.

Sec. 9. *Be it further enacted*, That where any proprietor of lands through which a passway may have been established under the provisions of this act, may desire to change the situation of the gates which may have been set up, or the passway, to a site more convenient for himself, he, she or they may apply to the county court, whose duty [it] shall be to appoint four discreet housekeepers, no wise interested (any three of whom may act,) who, after taking an oath impartially to discharge the duties required of them by this act, to review the ground over which the passway is intended to be changed, and report their opinion respecting the propriety or impropriety of the proposed change; whereupon, if the court shall be of opinion that the passway shall be changed, they shall enter the same on record; and thereafter the proprietor of the gates set up on said passway, may remove them to the newly established passway, having first opened the same; and when it shall appear to the satisfaction of the court, that the passway is no longer necessary, they shall discontinue the same.

Sec. 10. *Be it further enacted*, That if any person shall feel themselves aggrieved by the decision of the county court in establishing a private passway under this act, (that) he, she or they shall be entitled to take an appeal from the decision of said court to the court of appeals of this state, under the same rules and regulations now prescribed by law in the case of roads.

CHAP. XCV.

An ACT to authorise the service of process by Coroners in certain cases.

Approved, December 13, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases where a deputy sheriff shall, or may be interested in any suit or process issuing from any circuit or county court in this commonwealth, the clerk of such circuit or county court, issuing such process, or before whom such suit may be depending, may, and shall at the request of the adverse party, issue such process to the coroner of the county, to execute in the same manner, and under the same regulations that are now provided by law in cases where the sheriff is interested.

Where a deputy sheriff is interested, process to be directed to, and executed by the coroner, if required by the adverse party.

Sec. 2. All executions issued upon a judgment rendered upon process served by the coroner, shall be directed to and executed by him.

Executions issued upon judgments rendered on process executed by the coroner, to be executed by the coroner.

CHAP. XCVI.

An ACT for classing Tobacco in this Commonwealth, and for other purposes.

Approved, December 13, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all tobacco to be inspected and passed, shall be classed in one of three classes, to be denominated the first, second and third class. And when the inspectors after inspecting any hogshead or cask of tobacco, have agreed that it is good, sound, merchantable and clean of trash, they shall determine according to its quality, to which of the classes it shall be assigned, placing the best tobacco in the first class, the next best in the second class, and the remainder in the third class.

Tobacco to be classed in 3 classes.

The inspectors to assign the class to which each hogshead of tobacco belongs.

Sec. 2. The said inspectors shall break the bulk of every hogshead of tobacco in at least two

To break the bulk of each

hogshead in at least 2 places.

And to designate the class in their certificate, & mark the same on the hogshead. Allowed fees for inspecting tobacco which may be condemned by them.

Penalty on the inspectors for non-compliance with the provisions of this act.

How recovered & applied.

No inspectors at liberty to purchase tobacco inspected at the warehouse of which they are inspectors, under the penalty of removal from office.

Mode of proceeding therein.

Casks to be well seasoned.

20 per cent. of the gross weight to be deducted from each hogshead of tobacco. Commencing clause.

places ; they shall cause the class of each hogshead or cask of tobacco by them inspected and passed, to be written or printed in the body of the receipt given therefor ; and shall also mark the same on the hogshead or cask.

Sec. 3. *Be it further enacted*, That the inspectors shall be entitled [to] and receive the same fees from the owner of any tobacco by them inspected and condemned, which they are entitled to for the inspection of tobacco which is passed.

Sec. 4. *Be it further enacted*, That each and every inspector within this commonwealth, failing to comply with the provisions of this act, shall forfeit and pay the sum of five dollars for every and each offence, recoverable by warrant, before any justice of the peace in the county where said inspection may be established, at the instance of any person or persons, prosecuting the same, which shall be applied towards lessening the county levy.

Sec. 5. *Be it further enacted*, That no inspector of tobacco shall engage or be concerned in the purchase of tobacco inspected at the warehouse of which he may be inspector, under the penalty of forfeiting his appointment, to be decided on by the county courts respectively, on summons to shew cause why said inspector shall not be removed from office, served on said inspector ten days before the return day thereof.

Sec. 6. *Be it further enacted*, That no cask or hogshead of tobacco shall be passed, unless the cask and the timber of which it is made, be well seasoned at the time of inspection ; and to ascertain the true weight of the hogshead of tobacco, the inspector shall as heretofore, deduct from the gross weight the actual weight of the cask : *Provided*, that the said deduction shall never be less than ten per cent. of the gross weight. This act shall take effect from and after the first day of July next.

CHAP. XCVII.

An ACT for the benefit of the Breckinridge Seminary.

Approved, December 13, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joseph Allen, Samuel M'Clarty, Gideon Brown, John Murray, James, H. L. Moorman, Nathan D. Anderson, Thomas Owen, jr. and James Moredock, be, and they are hereby appointed and constituted a board of trustees for the Breckinridge Seminary, who, or a majority of them, shall have power to fill all vacancies that may happen in their own body, by death, resignation or otherwise; and also to exercise all other powers, rights and privileges, which are by law given to the trustees of any seminary of learning within this state.

Names of the trustees of the seminary.

General powers granted them.

And whereas the county court for the county of Breckinridge, has purchased and acquired title to a lot of ground in the town of Hardinsburg for the use of the said seminary :

Sec. 2. *Be it enacted by the authority aforesaid*, That the said lot of ground is hereby vested in the trustees aforesaid and their successors in office for the benefit of said institution ; and they are hereby empowered to appropriate such part of the funds of the institution to the erection of a building or buildings thereon for the purposes aforesaid, as to them may seem proper and necessary.

The lot of ground purchased by the county court vested in the trustees. Trustees may erect buildings thereon for the use of the seminary.

CHAP. XCVIII.

An ACT for the relief of Braxton B. Winn.

Approved, December 13, 1820.

WHEREAS it is represented to the present Recital. general assembly, that Braxton B. Winn has recently expended a large amount in the erection of a valuable grist and saw-mill, on the south branch of Beaver creek in Barren county ; the water is brought to said mills by means of a race

which was opened partly through the land of Samuel Rountree with his consent, which he has since withdrawn, and still withholds, and in fact defeats the beneficial operation of said mills by obstructing and diverting the water of said race along a different channel: For remedy whereof,

County court of Barren to issue a writ of *ad quod damnum* to condemn ground for a mill race to his mill.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Braxton B. Winn to apply to the county court of said county, whose duty it shall be to grant him a writ of *ad quod damnum*, directed to the sheriff of said county, requiring him to summon twelve discreet freeholders of the vicinity, no wise akin to either party, to meet on the land of said Rountree where said race passes through the same, on the day mentioned in the writ, if fair, if not, on the next fair day, who, after being sworn by the sheriff, shall proceed to examine said mill-race, so far as it passes through the land of said Rountree, and condemn and value a parallel thereof, thirty-three feet wide, with said race in the centre; and moreover say what damage the said Rountree will sustain by the continuation of said race through his land as aforesaid.

Inquest to be returned to court.

Sec. 2. *Be it further enacted*, That it shall be the duty of the freeholders aforesaid, to return to said court, under their hands and seals, the amount of the valuation and damages assessed as aforesaid,

Amount of the valuation to be paid or tendered before using or occupying the ground condemned.

Sec. 3. *Be it further enacted*, That whenever it shall appear to said court, that the said Winn has paid or tendered, in current money, to the said Rountree, his agent or attorney, the amount of such valuation and damages, by warrant to authorise said Winn and his successors, so long as said race may be used as such, to use and occupy the same free from restraint or molestation.

CHAP. XCIX.

An ACT allowing an additional number of Justices of the Peace to certain Counties.

Approved, December 13, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That one justice of the peace be allowed in the county of Lewis, to reside in the town of Clarksburg; one justice of the peace be allowed in the county of Butler, to reside on the north side of Green river; one justice of the peace be allowed in the county of Washington, to reside in the town of Lebanon; one justice of the peace be allowed in the county of Grayson; one justice of the peace be allowed in the county of Muhlenburg, to reside in the town of Lewisburg; one justice of the peace be allowed in the county of Estill; one justice of the peace in the county of Bracken, to reside on the north fork of Licking river, between the mouth of Camp creek and the Mason county line; and one justice of the peace in the county of Franklin, in addition to the number already allowed by law.

Additional justices allowed to Lewis,

Butler,

Washington,

Grayson,

Muhlenburg,

Estill,

Bracken,

And Franklin counties.

CHAP. C.

An ACT repealing in part the act entitled "an act providing for the removal of obstructions to the navigation of Floyd's Fork."

Approved, December 13, 1820:

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act approved on the nineteenth day of February, one thousand eight hundred and eight, entitled "an act providing for the removal of obstructions to the navigation of Floyd's fork," as relates to that part of Floyd's fork between Query's mill and the mouth of Cedar creek on Floyd's fork, shall be, and the same is hereby repealed, any law or usage to the contrary notwithstanding.

CHAP. CI.

An ACT for the benefit of the Citizens of the town of Mountsterling.

Approved, December 13, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that the trustees of the town of Mountsterling, have levied a town tax upon the citizens thereof, for the year one thousand eight hundred and twenty, which hath become grievous and oppressive, and the said tax not being necessary for the purpose of improving the said town, or for any other purpose: Therefore,

One moiety of the town tax levied in 1820 remitted.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the one equal half of the said town tax as levied upon each citizen resident in the said town or not, be, and the same is hereby remitted; and that the said trustees and their officers, be, and they are hereby directed to conform to the provisions of this act,

CHAP. CII.

An ACT for the benefit of Betsey Horton.

Approved, December 13, 1820.

Recital.

WHEREAS it is represented that Betsey Horton, a poor widow of Lincoln county, is living on a tract of poor land, containing about fifty acres; and that she is unable to pay for the same: Therefore,

The register to issue to Betsey Horton a land warrant for fifty acres. To be located where she resides. And to be surveyed and patented. Land to de-

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office issue for said Betsey Horton a warrant for fifty acres of land, without the state price being paid; which warrant may be located on the land on which she now resides in Lincoln county, and none other, and which shall be expressed in the warrant; and upon a survey being returned and registered, a grant shall issue as in other cases: *Provided,* that she shall not have a right to sell the land, but upon her death it shall descend to her heirs: *And provi-*

and, that said location, and the right acquired by her, shall not affect the right of any other person to said land.

CHAP. CIII.

An ACT for the benefit of Thomas Robertson of Henry County.

Approved, December 13, 1820.

WHEREAS it is represented to this general assembly, that Thomas Robertson, a citizen of Henry county, enlisted himself a regular soldier in the late war on the part of the United States against Great Britain, in Col. Ball's squadron of light dragoons, and whilst valiantly charging the enemy in the late battle at Mississinaway, received a wound in his left arm, by which he lost the same: And whereas it is further represented, that the said Thomas has a wife and several small children, who are dependant alone upon his exertions for sustenance and support; and that the said Thomas hath no other resources for the support of himself and family, than a small retail establishment, and for the keeping of which he hath obtained a licence from the county court of Henry, under the laws regulating tavern licences: Wherefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the tax imposed by law upon said licence, be, and the same is hereby remitted, and that said Robertson be, and he is hereby exonerated and forever discharged from the payment of the same.

The tax on his tavern license remitted & exonerated from the payment of tax in future.

Sec. 2. *And be it further enacted,* That said Robertson be, and he is hereby authorised to keep his said retail establishment in future free and exempt from the tax imposed by the existing laws upon such licences; but nothing in this act shall be so construed as to exempt the said Robertson from the penalties imposed by law for keeping a disorderly house.

Proviso,

CHAP. CIV.

An ACT to suspend the power vested in the Governor and Treasurer to subscribe on the part of the State for Shares in the Bank of Kentucky.

Approved, December 13, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of all laws relative to the Bank of Kentucky, as authorises and requires the executive and treasurer of this commonwealth to subscribe, in behalf of the state, for shares in the capital stock of said bank, shall be, and the same is hereby suspended until the first day of December 1821.

CHAP. CV.

An ACT to amend an act entitled "an act authorising certain Justices of the County Courts to grant Injunctions, Writs of Ne Exeat and Habeas Corpus;" approved February 4, 1818.

Approved, December 13, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That three justices of the peace, authorised to be selected by the county courts, by the act of assembly on that subject, approved on the third day of February 1818, or any two of them, shall have power to grant writs of injunction, restraining orders against absent defendants, writs of ne exeat, habeas corpus, order of supersedeas on writs of error coram vobis, under the rules and regulations prescribed by law as to those writs respectively; and the same proceedings shall be had thereon as are prescribed by the act to which this is an amendment, except where it is otherwise provided by this act; and the said justices selected by the county courts shall continue to exercise the powers given by this act until the county courts shall renew the appointments.

Two justices
may act.

Their powers
enlarged.

CHAP. CVI.

An ACT to establish Seminaries of Learning in the Counties of Monroe, Grant, Todd, Trigg, Ohio and Daviess.

Approved, December 13, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That John Gorin, jun. James M'Millin, Benjamin Monroe, Jos. G. Hardin, William Butler, Abijah I. Marrs and Edward Mascey, of the county of Monroe, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Monroe Seminary," and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure, and as such shall be authorized to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college or university in this commonwealth, not herein limited or otherwise directed.*

Trustees of
Monroe incor-
porated.

Sec. 2. *That the said trustees shall hold their first stated session at the town of Tompkinsville in the county of Monroe, on the first Monday in March next, or so soon thereafter as may be; and they, or a majority of them, shall, as soon as they think proper, fix upon a place for a permanent seat for said seminary, and proceed to erect buildings thereon, as soon as convenient and the interests of said institution may require.*

First meeting

Sec. 3. *The said trustees, or their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold to them and their successors, for the use and benefit of said seminary, any lands, tenements and rents, goods and chattels of what kind soever, which shall be given or devised to, or purchased by them for the use of said seminary, and also to demand and receive from the justices of the county court of Monroe county, any land, and all the papers relating thereto, which they may have or cause to be entered, surveyed or patented for the use of the seminary aforesaid: *Provided, however,* that the said trustees shall be compelled to carry into full and complete effect any contract or con-*

Corporate pow-
ers.

tracts made by the said county court of Monroe, with any person or persons, to locate their donation, which is not inconsistent with the laws now in force on that subject.

Sec. 4. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity in this state.

Annual sessions.

Sec. 5. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper; and in case a sufficient number of members do not attend to constitute a board, those who do attend may adjourn to any day previous to the next stated meeting, and shall give ten days' previous general notice thereof.

Number to constitute board.

Sec. 6. Seven members shall be sufficient to constitute a board for the transaction of all business respecting the said seminary, excepting those cases particularly excepted.

Majority required to do certain acts.

Sec. 7. The assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president; to fix on the permanent seat of the seminary; to alienate, sell or convey any lands, tenements or rents belonging to the seminary; to appropriate any sum exceeding one half part of the amount of funds.

By-laws.

Sec. 8. The trustees shall have power from time to time to establish such by-laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the government of the said academy.

Officers.

Sec. 9. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officer of the said seminary, the board of trustees shall supply the vacancy by ballot.

Salaries.

Sec. 10. The president and other officers of the said seminary shall have fixed annual salaries, be subject to the direction of the board of trustees and continue in office during good behaviour.

Sec. 11. The president of the board of trustees shall have full power to call special meetings of the said trustees, and it shall be his duty, upon the request of five of them, to do the same; but upon any called meeting, ten days' general notice shall be given by the president, previous to the meeting.

Special meetings.

Sec. 12. If at any time a member of the board of trustees shall absent himself from three stated meetings successively, unless for good cause shown and approved of by the said trustees, in such case his seat shall be considered vacant, and the board may proceed to fill his seat with a new member.

Seat of absent members vacated.

It shall be the duty of the trustees to preserve inviolate the following fundamental articles:

I. As the extension of useful knowledge is the only object contemplated by this institution, no preference shall be given in the choice of trustees, president or teachers, on account of religious sentiments.

Fundamental rules.

II. No law, regulation or ordinance shall be enforced by said trustees, which is calculated to give a bias in religion to the minds of the rising youth; the purest principles of morality, unconnected with party or profession, ought to be the only impressions united with science, that a teacher should attempt to implant in the youthful mind: *Provided, however,* that the trustees of the said seminary shall at all times be accountable for their conduct in the management of the business aforesaid, in such manner as the legislature shall by law direct.

Provide.

Sec. 13. That William Arnold, Hubbard B. Smith, James Gouge, Nathaniel Henderson, Thomas Wilson, John Skerwin and William Sanders, be, and they are hereby appointed a body politic and corporate, to be known by the name and style of "The Grant Seminary," and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at their pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges which are now by law vested in the trustees of any seminary or college

Trustees of Grant seminary.

Incorporated.

Powers.

in this state; and by a majority of said trustees may fix on the name and permanent seat of said seminary; and on the death, resignation or other disqualification of any of the trustees aforesaid or their successors, a majority of the remaining trustees in office shall have power to fill such vacancy.

Sec. 14. The said trustees and their successors shall have power in their corporate capacity to purchase or receive by donation, any lands, hereditaments, money, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said seminary, and to sell, alien or transfer any such lands, goods or chattels, and apply the proceeds thereof to the use and benefit thereof.

May survey donation lands. Sec. 15. The said trustees shall be entitled to locate, survey and patent the quantity of six thousand acres of land, on any vacant and unappropriated land in this commonwealth, on the terms and conditions prescribed in an act entitled "an act to establish and endow certain academies;" and for that purpose may contract with any person or persons to locate, survey and have the same patented, for which services they are authorised to give and convey to such person or persons a part of said land, not exceeding one half, and may also sell and dispose of all or any part thereof, for the purpose of erecting buildings and providing books and other things needful for the use of said seminary; also, may lease the said land, or any part thereof, for any term of years not exceeding eight, and apply the proceeds thereof for the use aforesaid.

Conditions. Sec. 16. The person first named herein, or in his absence or refusal to act, the next named, shall notify the time and place for the first meeting of the trustees, and on the attendance of a majority thereof, shall appoint a chairman, clerk and treasurer, who shall severally take an oath well and truly to execute the duties of their offices; and thereafter the board may be called by the chairman; or any two of the trustees shall have power to adjourn from day to day; to make and ordain such by-laws, rules and ordinances

Proceeds of sales, how appropriated. By-laws.

as they may deem proper, not inconsistent with the laws of this state, and moreover to fix on a proper place for erecting the building of said seminary: *Provided*, that a majority of all the trustees is necessary to attend and concur on the making any contract, by-laws, or fixing on the permanent seat of the same. Provide.

Sec. 17. A majority of said trustees shall have power to engage a competent number of masters and professors to said seminary, to fix their salaries, as also the terms of tuition, and on the misconduct of any master, professor or student, may dismiss such master, professor or student from the said seminary. Professors.

Sec. 18. That John Gray, Elisha B. Edwards, John S. Anderson, Nathaniel Burriass, William Greenfield, John Mann and Thompson M. Ewing, of Todd county, and Abraham Boyd, William Cannon, John G. Reynolds, Ferdinand Wadlington, Charles Jovitt, Samuel Orr and James Daniel, of Trigg county, are hereby appointed bodies politic and corporate, in and for their respective counties, with all the powers, and under the same regulations as are provided in the five first sections of this act for the regulation of the trustees named therein for the county of Grant. Trustees of Todd seminary.
Of Trigg.
Incorporated.

Sec. 19. *Be it further enacted*, That Robert Mosley, jun. Charles M'Creery, Charles Henderson, Valentine W. Peyton, Christopher Jackson, William Morton and Richard L. Walker, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Hartford Academy," and by that name shall have perpetual succession; and as a body politic, shall be authorised to exercise all the powers and privileges that are now enjoyed by any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid or their successors, a majority of the remaining trustees shall fill such vacancy. And the said trustees, by the name and style of the Trustees of the Hartford Academy, shall have power to sue and be sued in any of the courts Trustees of Hartford academy incorporated.

of this commonwealth; and moreover, shall have and exercise all the rights and privileges which are given by law to the trustees of any academy or seminary of learning in this state.

Trustees of
Davies academy
incorporated.

Sec. 20. *Be it further enacted*, That William R. Griffith, Philip Thompson, David Morton, John Roberts, James C. Rogers, Philip Triplett and John Churchill, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Davies Academy;" and by that name shall have all the power and privileges that are vested in the trustees of the Hartford academy, by the foregoing section of this act.

Sec. 21. *Provided*, That the said trustees shall not locate any lands west of the Tennessee river.

CHAP. CVII.

An ACT for the divorce of Cynthia Carson.

Approved, December 13, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that David Carson of Rockcastle county, has for several years last past treated his wife Cynthia in a most shameful and unfeeling manner; that he has given himself up to idleness, intemperance and debauchery; that he spends much of his time with an idle, dissolute woman, and takes from his wife and children their only means of support, for the maintenance of said dissolute woman:

Divorced.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Cynthia Carson be, and she is hereby divorced from her said husband, and the bonds of matrimony solemnized between the said David and Cynthia Carson, shall be, and the same are hereby set aside and held for nought, and the said Cynthia restored to all the privileges of a *feme sole*.

CHAP. CVIII.

An ACT for the benefit of the Heirs of John Green.

Approved, December 13, 1820.

WHEREAS it is represented to the present general assembly, that John Green, deceased, late of Virginia, departed this life intestate, leaving real estate in Kentucky to descend to his heirs at law, three of whom, to wit: Martha E. Green, Lewis W. Green and Sarah L. Green, are infants; and that the interest of the said infant heirs, requires that an agent for them be appointed and vested with discretionary powers in the management of their part of said estate: Therefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Green of Lincoln county, be, and he is hereby appointed agent for said infant heirs, with full powers in their names and for their benefit, to commence and prosecute suits, make sales and releases, execute conveyances, purchase up adverse titles and claims, make compromises and submissions to arbitration, make the election required by the occupying claimant law, and do every thing necessary to carry said election into full and complete effect; and also to make partition with the other heirs.

Agent appointed to the infants.

Agent's powers.

Sec. 2. The said John Green shall within three months from the passage of this act, enter into bond with approved security, before the county court of Lincoln county, in the penalty of six thousand dollars, to indemnify said infant heirs against all losses which they may sustain from an improper exercise of the powers hereby conferred upon him.

Agent to give bond.

CHAP. CIX.

An ACT to establish Election Precincts in Floyd, Harlan and Bath Counties.

Approved, December 13, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that

Boundary of
precinct in
Floyd.

part of Floyd county contained in the following bounds, to wit : Beginning at the county line where it crosses Blain creek ; thence with the line to the Dividing Ridge between the waters of said creek and the waters of Sandy river, with the ridge to Tom's creek, and down the same to Azrell Haws' ; thence a straight line to Abraham Pickelsimore's, including all the inhabitants of the Mud Lick fork of Paint creek, and on the Open fork of said creek ; thence to the Dividing Ridge between the said fork and the waters of Licking, and with the said ridge to the head of Little Sandy ; thence to the county line, including all the inhabitants in said county on Little Sandy to the beginning ; shall be, and the same is hereby established an election precinct in said county ; and the qualified voters in said precinct, may at all elections, meet and give their votes at the house of the widow Woods in said precinct : *Provided however*, that the citizens of said precinct may vote at any other place in said county established by law for holding elections.

Where to vote.

To appoint
clerk & judges.

Duty of sheriff.

Sec. 2. The county court of Floyd county, at the time they appoint a clerk and judges to the election to be held at the courthouse, shall appoint a clerk and judges to preside at said precinct ; and it shall be the duty of the sheriff of said county, to attend by himself or deputy, and conduct the election to be held in said precinct ; which election shall be governed by the same rules and regulations as are now prescribed by law.

In case judges
do not attend,
sheriff to ap-
point some
housekeeper.

Sec. 3. In case the judges or clerk shall fail to attend said election, the sheriff who presides at the same, is hereby authorised to appoint some discreet housekeeper in said precinct to fill such vacancy ; and the sheriff shall make return of the votes in the precinct agreeably to the laws now in force regulating elections in said county.

Boundary of
precinct in
Harlan.

Sec. 4. *Be it further enacted*, That all that part of Harlan county above Elias Smith's, including the waters of the Poor fork of Cumberland river, shall be an election precinct in said county of Harlan ; and that the qualified voters do meet

at the house of John Shretch, at the mouth of Clover lick in said precinct, for the purpose of voting at all legal elections : And that all that part of Harlan county from the Knox county line up, including the waters of Yellow creek, Straight creek, Cumberland river and its waters, as high as Elijah Green's, shall be an election precinct in said county of Harlan ; and that the qualified voters do meet at the house of Daniel Millars on Cannon creek in said precinct, for the purpose of voting at all legal elections : And the county court of Harlan, shall appoint judges and clerks to conduct the elections in said precincts ; and the sheriff and deputy or deputies, shall attend and conduct the polls at each precinct ; and the said judges, clerks and sheriffs, shall be governed by the same rules and regulations as are now prescribed by law regulating elections. The sheriffs or deputies, shall meet on the fourth day after the first day of the election, at the courthouse in said county, and compare the polls ; and the sheriff or one of his deputies, shall meet at the courthouse in Knox county on the sixth day after the commencement of the elections, with all the polls taken in Harlan county, and then and there compare polls, and in the result be governed by the laws now in force relative to elections. The qualified voters may, nevertheless, vote at the courthouse of said county.

Where to vote.

Duty of sheriff

Where & when
polls to be compared.

Sec. 5. *Be it further enacted*, That all that part of Bath county lying north of Licking river, be added to, and form a part of the election precinct in the east part of said county ; the place of voting in said precinct, is at John Harman's.

Change in precinct in Bath.

CHAP. CX.

An ACT for the establishment of a Road from Frankfort to the Ohio River, opposite the Town of Neville.

Approved, December 13, 1820.

WHEREAS it is represented to the present general assembly, that the public will be much

Preamble.

benefited by a road being opened from the seat of government to the Ohio river, at or near the mouth of Holt's creek in Bracken county, to pass through Falmouth in Pendleton county :

Comm'rs. appointed—their powers & duties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lewis Kindrick and Jonathan Hedges of Harrison county, Benjamin Luckett of Franklin county, Thomas Owens and George Threlkeld of Scott county, William Littell of Grant county, James King and Elijah M^cCanahan of Pendleton county, and Buckley Blassingame of Bracken county, be, and they are hereby appointed commissioners, who, or a majority of them, after being first sworn before some justice of the peace, shall view and mark a way for a road, the nearest and best practicable route from the town of Frankfort, by the forks of Elkhorn, to Lindsey's station, by Thomas Owens' and to the intersection of the road leading from Frankfort to Cincinnati, and the turnpike road from Georgetown to Cincinnati, and through the town of Falmouth in Pendleton county to the Ohio river, opposite the town of Neville in the state of Ohio; and it shall be the further duty of said commissioners, so soon as they shall have completed the viewing and marking said road, to lay it off into convenient sections or precincts, and shall make report of their proceedings with the probable number of hands necessary for the immediate opening of said road to the next court of their respective counties.

Duty and powers of county courts.

Sec. 2. It shall be the duty of the several county courts of the aforesaid counties, immediately upon the reports of said commissioners, to make an order for the clearing out said road thirty feet wide, clear of all timber in all practicable places, and the stumps not to be more than twelve inches above the surface of the earth; all mud holes and muddy places to be causewayed with timber or stone, twelve feet wide; all guts shall be bridged in the manner above described; the hill sides dug at least fifteen feet wide, and reduced to a plane: And said courts shall appoint a surveyor upon each section or precinct

as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from whence they are to be drawn. Copies of the above described orders of court, shall be given to each surveyor appointed under this act within fifteen days after granting the same, by the sheriff of said county.

Sec. 3. Each and every person who shall fail or refuse to do his duty in clearing out said road, after having been duly notified by the surveyor or some one appointed by him so to do, shall be subject to a fine of one dollar twenty-five cents, recoverable before some justice of the peace in the county where said work is to be done; and the several surveyors who shall be appointed under the provisions of this act, who shall fail or refuse to do the duties assigned him, without good cause shewn, shall forfeit and pay the sum of fifteen dollars, recoverable before a justice of the peace in the county in which he or they shall have been appointed: *Provided, however, that five days' notice be given to the delinquent.*

Penalty upon persons failing to do their duty.

Penalty on surveyors.

Proviso.

Sec. 4. When any person through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall, at the direction of one or more of the commissioners, summon a jury to meet on the land on a certain day in the commissioners' order mentioned, who shall be qualified to ascertain the damages that may arise from opening said road; which, together with the sheriff's fees, shall be paid out of the next county levy of the county in which said land may lie, the claim being first allowed by the county court.

Proceedings where objections are made by owners of land.

CHAP. CXI.

An ACT for the benefit of the Stockholders of the late Independent Banks.

Approved, December 13, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the bonded tax due from the several independent*

banks for the year 1819, and which was to have been settled and paid on the first day of January, 1820, be, and the same is hereby remitted, and the collections thereof, shall be forever discontinued.

Auditor to issue warrant for reimbursement.

Sec. 2. The auditor of public accounts shall issue his warrant upon the treasury in behalf of any of the said independent banks, their commissioners, or other agents, properly authorised, for the reimbursement of the said bonus or tax, for 1819, due the first day of January, 1820, or any part thereof, which has been paid into the treasury.

Defendants shall not plead etc.

Sec. 3. It shall not be lawful for any defendant or defendants, in any suit now depending, or which may hereafter be instituted in any of the courts of this commonwealth, in the name of the president, directors and company of either of the independent banks which were created by an act entitled "an act to establish independent banks in this commonwealth," approved January 26, 1818, and the act supplemental thereto, to plead that such bank did not go into operation according to said recited acts.

CHAP. CXII.

An ACT for the benefit of the Heirs of John Radford.

Approved, December 13, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that John Radford, late of Nicholas county, departed this life intestate, leaving among other things a small tract of land in Lewis county, containing one hundred and two acres, which is covered by another claim; and that a sale can be effected which would be of advantage to his three infant children, William, Mary and John Radford:

Now guardian to be appointed, and for

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the circuit court of Lewis, on the application of Harriet Radford, widow of the

deceased, to appoint a special guardian for the heirs, who shall have power and authority to release by deed all the interest of the said heirs to the said tract of land : *Provided*, that no such deed of release shall be valid, unless made for a valuable consideration, paid or secured to be paid to the heirs. what purpose;

Sec. 2. The guardian on his appointment, and before he proceeds to act, shall take an oath in court, that he will faithfully execute the trust herein created ; and will in all things appertaining thereto, do what in his judgment will best promote the interest of the heirs ; and shall moreover execute bond with security, to be approved by said court, and in such penalty as they shall direct, for the faithful discharge of his trust, and for appropriating the proceeds of said land in the education of the said heirs, and the balance, if any, to pay over to said heirs as they respectively attain the age of twenty-one years ; and the said guardian shall have no power to act until he takes the oath and executes bond. To take oath and give bond.

Sec. 3. Every deed of release or other conveyance properly executed by the guardian conformably to this act, shall vest in the grantee or purchaser, all the right, title and interest of said heirs, to the same extent as if the same had been executed by them when of full age. Title to be vested in the grantee or purchaser.

CHAP. CXIII.

An ACT to repeal in part the act declaring Nolin navigable.

Approved, December 13, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act declaring Nolin navigable from Adin Combs' mill to the mouth of Canoloway, be, and the same is hereby repealed.

CHAP. CXIV.

An ACT for the benefit of Thomas Mahan.

Approved, December 13, 1820.

Recital.

WHEREAS, by an act entitled "an act for the benefit of Elizabeth Prichard," approved; February 8, 1816, the state price on one hundred and thirty acres of land on which she then lived was remitted: And whereas it is represented to the present general assembly, that the said one hundred and thirty acres of land is part of a Knox county court certificate, bearing date July 27, 1801, No. 73, and owned by Thomas Mahan; and that he, through mistake, has paid the state price for the whole of said land: For remedy whereof,

A sum of money refunded to him.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts, be, and he is hereby directed to issue a warrant on the treasurer of this state in favor of the said Thomas Mahan for so much money as he has paid on said one hundred and thirty acres of land by mistake as aforesaid.

CHAP. CXV.

An ACT for the relief of Ann Mitchell and others.

Approved, December 16, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that David D. Mitchell settled on one hundred acres of hilly, poor land, not more than twenty-five acres of which is fit for cultivation: And whereas the said David D. Mitchell departed this life, leaving a widow and eight children in very indigent circumstances, not able to school them, and scarcely able to support them: Therefore,

The register to issue a land warrant for 100 acres to Ann Mitchell.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office is hereby directed to issue a land warrant, in the name of Ann Mitchell, widow and relict of David D. Mitchell, deceased, for one hundred acres of land; which

warrant shall be located on the land whereon the said Ann Mitchell now lives. A plat and certificate of survey on said warrant shall be returned to the register's office, and the register shall register the same without fee, and issue a patent thereon as in other cases.

To be located and surveyed on the land whereon she resides.

Register to issue a patent. Life estate granted her & remainder to D. Mitchell's heirs.

Sec. 2. *And be it further enacted*, That the said Ann Mitchell shall have and enjoy the said one hundred acres of land during her life, and at her death it shall descend to the heirs of the said David D. Mitchell, deceased.

And whereas it is further represented, that Jacob Wall, sen. of the county of Casey, is aged and infirm, and in extreme indigent circumstances, and unable to labor; and that about twenty years ago, he settled on vacant land in said county of Casey, where he now resides: Therefore,

Jacob Wall.

Sec. 3. *Be it further enacted*, That the register of the land office be, and he is hereby authorised and directed to issue a land warrant in favor of said Jacob Wall, for one hundred acres, without the state price being paid thereon or for the same; which warrant shall be located on said land and no other; and the register shall issue a patent for the same as in other cases.

Register to issue a land warrant to him for 100 acres.

To be located on the land whereon he resides.

Register to issue him a patent.

Further recital.

And whereas it is further represented to the general assembly, that Delilah Whitehead, a widow woman living in the county of Harlan, resides upon vacant land; that she is poor, and has a large family of children to support: Therefore,

Sec. 4. *Be it further enacted*, That the register of the land office be authorised, and he is hereby directed to issue to the said Delilah Whitehead, a land warrant for two hundred acres of land, to be surveyed so as to include her residence in the said County of Harlan; upon which warrant the surveyor of Harlan shall make a survey (not interfering with any other claim); which plat and certificate shall be returned to the register's office, and a grant shall issue thereon as in other cases; which grant shall enure to the benefit of said Delilah and children,

Register to issue Mrs. Whitehead land warrant for 200 acres.

Survey to be made & grant to issue thereon.

Further recital.

And whereas William Kelly, late of the county of Nelson, was fined by the judgment of the Nelson circuit [court] the sum of twenty dollars, which fine the attorney for the commonwealth in the fifth judicial district, took steps to secure, by taking the bond and security of said Kelly: And whereas it is represented that the said Kelly has become insane, and left his wife dependant upon her own labor for support: Therefore,

The late attorney for 5th judicial district to pay over certain money to the wife of W. Kelley.

Sec. 5. *Be it further enacted*, That Charles A. Wickliffe, the late attorney for the fifth judicial district, be authorised to collect the said sum of twenty dollars, and pay the same over to the wife of the said William Kelly.

CHAP. CXVI.

An ACT to incorporate the New-Liberty Library Company.

Approved, December 16, 1820.

Names of the trustees incorporated.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Blanton, Reuben Adams, William Kindall, Benjamin Holladay, William Lindsay, John Searcy and John Hollman; and their successors duly appointed as is hereinafter directed, be, and they are hereby constituted a corporation and body politic, to exist and continue for twenty years.

Property of the company vested in the trustees.

Sec. 2. *Be it further enacted*, That all books, maps, charts, goods, chattels and money, that are now due by subscription, purchase, contract, or otherwise procured, or that may hereafter be subscribed, &c. for the use and benefit of said company, are hereby vested in said corporation or company; and they are empowered also to receive any gifts, grants and bequests of money, books, maps, charts or any species of property of any kind or sort, for the use or benefit of said company or corporation.

Trustees may receive donations, &c.

May sue and be sued.

Sec. 3. *Be it further enacted*, That the said corporation, by the style aforesaid, shall be capable in law to sue or be sued, plead and be im-

pleaded in any court of record within this commonwealth, or before any judge or justice of the peace thereof, in as full and ample a manner as any individual of this commonwealth might or could do.

Sec. 4. *Be it further enacted*, That the said corporation shall have power to use a common seal, and the same to break and renew at pleasure; to appoint a librarian, secretary and treasurer; to appoint their duty, fix their compensation; to remove them, or either of them from office at pleasure, and appoint others in their place, as often as a majority of them may think it necessary; to make such by-laws as they may think necessary and useful to the institution, and the same to alter or abrogate at pleasure; to fix the price of new shares; to fill any vacancies which may happen in their own body between two annual meetings; to levy and collect fines and forfeitures, and to determine and transact all business appertaining to said corporation, agreeably to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided, however*, that not less than a majority of the trustees shall be a quorum to do business: *And provided also*, they shall make no by-laws contrary to the existing ones of this commonwealth, or such as may hereafter be enacted.

Sec. 5. *Be it further enacted*, That there shall be an annual meeting of the members of said company, at their library, or such other suitable place as the trustees may direct, of which time and place at least thirty days' notice shall be given by advertisement put up at the doors of the most public houses in the town of New-Liberty; at which time and place the members shall elect seven members of their own body to serve as trustees for one year, by voting *vote voce*, or proxy evidenced by the hand writing of the shareholder voting—and continue in office, over and above said term they may be elected for, until successors may be elected: *Provided always*, that the votes of a majority of the shareholders shall be necessary to an election, either personally or by proxy, and that each share.

Powers of the corporation.
May have a seal.

Appoint and remove officers and fix their compensation.

May make by-laws.

Fix the price of shares, fill vacancies, collect fines, &c.

Proviso.

To be an annual meeting of the shareholders.

Thirty days' notice to be given.

And elect seven trustees.

Proviso.

Proviso.

holder shall be entitled to one vote for each share: *Provided*, the member does not hold more than five shares; and if such member hold more than five shares, he shall only vote five votes; and no member shall be entitled to vote, who is in arrear to said institution, either by fine, forfeiture or contribution.

Annual elections to be held in March.

Sec. 6. *Be it further enacted*, That the first election for trustees shall be held on the first Saturday in March next, and on the first Saturday in March annually thereafter: *Provided*, that if a majority of the members should not attend and vote personally or by proxy at any of those elections, the librarian shall advertise another election in thirty days thereafter, and continue to do so until an election is made agreeably to this act.

Proviso.

Shares transferable, &c.

Sec. 7. *And be it further enacted*, That the shares in this institution shall be transferable, and no member shall be otherwise released from this company, or any penalties or forfeitures, than by transferring his share or shares to some other person.

CHAP. CXVII.

An ACT for the benefit of the Widow and Heirs of William Lewis, deceased.

Approved, December 16, 1820.

Recital.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, by the petition of Collins Lencar and Jane Lewis, who were appointed to administer upon the estate of William Lewis, deceased, that the said Lewis died leaving his said estate greatly involved in debt, much more than what his personal property is sufficient to discharge; and that it would be to the advantage of the infant heirs of said deceased, that one hundred and fifty acres of land, lying on the Liek fork of Drake's creek in Simpson county; which land was deeded to said Lewis, deceased, by John Hudson, should be sold for the purpose of paying the debts of said deceased: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Collins Lenear and Jane Lewis, administrator and administratrix of said William Lewis, deceased, are hereby empowered and vested with full authority to sell and dispose of the aforesaid tract of land, in any way that they may think best, for the purpose of paying the debts of said deceased, and convey to the purchaser or purchasers thereof the right and title vested in the heirs and representatives of said Lewis deceased.

Comm'rs. appointed to sell & convey certain lands of the deceased.

Sec. 2. *Be it further enacted,* That the said Collins Lenear and Jane Lewis, before they enter upon the duties prescribed by this act, shall, in the Simpson county court, enter into bond in the penalty of fifteen hundred dollars, with two or more securities, to be approved by said court, with a condition that they will truly and faithfully execute the powers granted to them by this act: Which money, when received by them, shall be considered as assets in their hands for the payment of debts due from said estate; and upon any breach of the condition of said bond, the aforesaid Collins Lenear and Jane Lewis, and their securities, shall be liable to a suit or suits on said bond, by the party or parties aggrieved, in any court having jurisdiction of the same.

To give bond and security.

Condition thereof.

May be put in suit &c.

CHAP. CXVIII.

An ACT for the benefit of the heirs of Lewis Young, deceased.

Approved, December 16, 1820.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, by the petition of Patsey Young, administratrix and guardian for the infant heirs of Lewis Young deceased, John M. Craig and Sidney Craig, that Lewis Young in his lifetime sold to his brother, Merret Young, a small piece of land, supposed to be two acres, in the county of Woodford, and received payment therefor, but gave no bond for the conveyance; that the said Young

Recital

departed this life without a will, and that his brother, Merret Young, having sold the same, wishes to make a title, but there being no person authorised to make the conveyance: For remedy whereof,

Comm'rs. appointed to make a conveyance of certain land of the decedant.

Conveyance to vest the title in the grantee.

The widow may relinquish her dower.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John M'Kinney, jun. Andrew Muldrow and Willis Field, or any two of them, shall be, and they are hereby appointed commissioners, and are made able and capable in law to make a conveyance agreeable to the verbal contract of the parties, whenever it shall appear to the commissioners that the purchase money shall have been paid; which conveyance so made shall vest the legal title in the purchaser, in as full a manner as if the conveyance had been made by the said Young in his lifetime; and if Patsey Young, widow of the said Lewis Young, shall join in the conveyance, it shall operate as a relinquishment of her dower to the land so conveyed.

CHAP. CXIX.

An ACT for the relief of the heirs of William Long, deceased.

Approved, December 19, 1820.

Recital.

WHEREAS it is represented to this general assembly, that in the month of March 1801, William Bell obtained a certifice from the Cumberland county court, upon certificate No. 49, for three hundred acres of land, situate, lying and being in the county aforesaid; that the said William Bell sold the same to William Long, sen. now deceased; that by the direction of said Long, said Bell assigned the same to William F. Long, for himself and Andrew Long; And it appears that the said Andrew Long entered into the service of his country, some years since, in the north-western army, where he died; and previous to his death, he desired that his moiety of said land, being one hundred and fifty acres, should, in case of his death, be transferred and

conveyed to his two infant brothers, Thomas Long and George Long; and that in obedience to said request, the said William F. Long has assigned the same to the said infants, Thomas and George Long, who are poor and in extreme indigent circumstances, their father having died possessed of little or no property: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be, and he is hereby authorised and directed to issue a patent for one hundred and fifty acres of land, to the said Thomas Long and George Long, without the state price being paid thereon, or fee for the same, upon a return of the plat and certificate, as in other cases.

The register to issue a patent for 150 acres of land to said heirs.

CHAP. CXX.

An ACT to authorise the printing and publishing a Map of the Lands west of the Tennessee River.

Approved, December 19, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William T. Henderson be, and he is hereby authorised to print and publish, at his own expence and costs, and for his own benefit, the map and survey of the land west of the Tennessee river, to which he may add any notes of explanation which to him shall be deemed necessary.

W. T. Henderson authorised to print and publish said map.

Sec. 2. *Be it further enacted*, That the said Henderson shall have the exclusive right, so far as this commonwealth have the power to grant it, of publishing and vending the maps by him so made and printed, for the term of ten years.

The exclusive right to publish and vend the same, granted to him, so far as the legislature can do so, for 10 years.

CHAP. CXXI.

An ACT to establish the Lindley Academy in Henry County, and incorporate Trustees to that institution.

Approved, December 19, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that an association of citizens in Henry county, at a very considerable expence, have purchased a lot of ground and erected thereon a commodious building, for the purpose of a seminary of learning; and that said lot of ground, as respects the title, remains in a precarious situation, in consequence of there being no corporate body in which to vest the title from the original proprietors: Wherefore,

Names of the trustees incorporated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Peter Banta, sen. Cornelius Bice, George Fallis, William Shuck, Tunis Vannuys, Andrew Carmine, George Bergen and Samuel Demaree, are hereby created and constituted a body politic and corporate, and to have perpetual succession by the name and style of "Trustees to the Lindley Academy," capable in law of suing and being sued, of pleading and of being impleaded in any court of law or equity in this commonwealth; to use a common seal, and to alter or change the same at pleasure.

Style of incorporation.

General powers.

Trustees to be annually elected in March.

Sec. 2. *And be it further enacted,* That on the first Saturday in March 1821, and on the first Saturday in March in every year thereafter, it shall be the duty of the original subscribers and proprietors in the said lot and building, or their proper assignees or representatives, to assemble at the said academy, and choose seven fit persons to act as trustees for the following year, and until their successors be duly appointed.

A deed for the house and lot to be made to the trustees & recorded.

Sec. 3. *And be it further enacted,* That the said trustees appointed in virtue of this act, shall cause the said lot of ground to be surveyed and marked off agreeably to the contract with the original proprietor, whose duty it shall be to make or cause to be made a deed pursuant to the contract with the said original purchasers, to the

said trustees; which deed, when duly recorded, shall forever vest the said lot of ground and its appurtenances in the said trustees and their successors: *Provided*, no better title or claim is ever exhibited against them.

The title vested in the said trustees and their successors.
Proviso.

Sec. 4. *And be it further enacted*, That the said trustees, shall, at their first session in each year, elect one of their own body, who shall preside as chairman at the several meetings they may hold during that year; and in case of his absence or other disqualification, one shall be appointed *pro tem.*; a clerk shall also be appointed at the discretion of the trustees, whose duty it shall be to make a fair record of all the proceedings of the board, in a book to be provided for that purpose; which said book shall be kept by the chairman, subject to the inspection of any person interested therein.

Trustees to elect a chairman and a clerk.

Their duties.

Sec. 5. *And be it further enacted*, That the said trustees shall have power to receive subscriptions, donations and grants of any description, either in money, property or lands, for the use of the said academy, in the enlargement of the building or improvements which may be necessary thereon.

Trustees may receive donations, &c. for the use of the academy.

Sec. 6. *And be it further enacted*, That it shall be the duty of the said trustees to assemble at least once in three months, at the said academy, or oftener if they may judge it necessary, and make such examination into the progress of the students, and into the management of the institution, as they may think right and proper.

To meet quarterly or oftener.

Sec. 7. *And be it further enacted*, That the said trustees shall have power to enact any by-laws, not inconsistent with the laws of this commonwealth, which may be necessary for the government of the said academy; to fix the salaries of the preceptors; to employ or dismiss any preceptor for misconduct: *Provided*, it shall always require the concurrence of a majority of the trustees to employ or dismiss, as the case may be.

May enact by-laws, &c.

Proviso.

CHAP. CXXII.

An ACT for the divorce of Betsey Craig, Polly Stewart and Mariha Dunlavy.

Approved, December 19, 1820.

Recital.

WHEREAS it is represented to this general assembly, that Benjamin Craig has treated his wife, Betsey Craig, with great cruelty and inhumanity, insomuch as almost to deprive her of her life, and hath provided no means for her support: That Levi S. Stewart has left his wife, Polly Stewart, in a desolate situation, and gone to another state, and married another woman, with whom he had lived in adultery in this state: And that Daniel Dunlavy hath abandoned his wife, Martha Dunlavy, since April 1819, without leaving any means for her support, and that he hath joined the Shakers; for which causes their wives have severally prayed to be divorced: Wherefore,

Divorced.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said females be, and they are hereby divorced from their said husbands, and that they be restored to all the rights and privileges of *femes sole*.

CHAP. CXXIII.

An ACT to amend an act entitled "an act to amend an act concerning occupying claimants of land."

Approved, December 20, 1820.

Comm'rs here-
after appointed
not to estimate
rents accruing
after judgment
or decree, or the
value of the
land as wood-
land.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter when commissioners are appointed pursuant to an act entitled "an act to amend an act entitled an act concerning occupying claimants of land," passed January thirty-first, one thousand eight hundred and twelve, it shall not be the duty of the commissioners to estimate the value of the rents and profits accruing after judgment or decree, or of the value of the land as wood land, as is required by the fourth section of said recited act.

Sec. 2. *Be it further enacted,* That the occupant or occupants, seater or improver of the land, shall hold the same free of rent after judgment or decree, and until the successful claimant or claimants, pay to the occupant or occupants, seater or improver, the value of all valuable and lasting improvements made upon the land, to be assessed by the commissioners, having first deducted therefrom any damage or waste committed on the land by the occupant or occupants, seater or improver, recovered by the successful claimant or claimants, after suit brought, to be ascertained by said commissioners, any law to the contrary notwithstanding.

The evicted occupant to hold the land free of rent after judgment or decree, until paid the value of his improvements as assessed by the commrs after deducting for damage or waste committed.

Sec. 3. *Be it further enacted,* That the successful claimant or claimants, shall not be bound to pay any interest on the value of said improvements, whilst the said occupant or occupants, seater or improver, are in possession of the land on which the said improvements are seated : *Provided however,* that if the occupant or occupants, seater or improver, shall by appeal, writ of error or injunction, enjoin proceedings upon the judgment in ejectment or decree in chancery, and shall fail in said appeal, writ of error or injunction, then and in that case, the successful claimant shall recover rents as is now provided by law, from the date of the original judgment or decree rendered.

Successful claimant to pay no interest on the value of improvements while the occupant retains possession of the land.

Proviso.

Sec. 4. *Be it further enacted,* That the successful claimant or claimants, shall be bound within five years after the rendition of judgment, upon the report of commissioners in favor of the occupant or occupants, seater or improver, against the successful claimant or claimants, to pay to the occupant or occupants, seater or improver, the amount of said judgment or judgments, as the case may be, for all valuable and lasting improvements, as assessed by the commissioners as aforesaid ; upon which payment or payments, being made to the occupant or occupants, seater or improver, or tendered and paid in open court, in discharge of said judgment or judgments, the successful claimant or claimants, shall be entitled to a writ of *habere facias posses-*

The successful claimant bound to pay for the improvements within 5 years after judgment therefor.

Upon making payment, may obtain possession.

Proviso.

sionem, to obtain the possession of his, her or their land so recovered as aforesaid : *Provided nevertheless*, that the occupant or occupants, seater or improver, shall be entitled to reap his crop then growing on the ground.

The right of election given to the successful claimant in the former act taken away.

Sec. 5. *Be it further enacted*, That so much of the second section of the act entitled "an act to amend an act entitled an act concerning occupying claimants of land," passed January thirty-first, one thousand eight hundred and twelve, as gives to the right owner or successful claimant or claimants of the land where the improvements of the seater, improver, or occupant or occupants, are valued to more than three-fourths of the value of the land, the right to elect whether to make the seater, improver, or occupant or occupants, pay the valuation of the land or not, is repealed.

The provisions of the occupying claimant law extended to cases where the contending parties claim under the same title.

Sec. 6. *And be it further enacted*, That where any *bona fide* and innocent occupant or occupants, are contending, or shall hereafter contend with a successful claimant under the same title, and shall be evicted, such occupant or occupants, shall be entitled to all the provisions of an occupant evicted under an adverse claim.

Repealing clause.

Sec. 7. *And be it further enacted*, That all acts and parts of acts, which may contravene any of the provisions of this act, shall be, and the same are hereby repealed.

The successful claimant may elect to give up the land recovered & release his title to the occupant.

Sec. 8. *Be it further enacted*, That the successful claimant or claimants, may have his election to give up the land by him or them recovered, and release his or their title thereto ; by so doing, the judgment and claim against him or them for improvements, shall be discharged and satisfied.

And the judgment & claim for improvements shall thereupon be released. The payment for the value of improvements may be made after the five years above.

Sec. 9. *Be it further enacted*, That at any time after the expiration of the five years specified in the fourth section of this act, the successful claimant or claimants, shall, by paying the amount of the judgment for improvements with costs, have the benefit of the writ of *habere facias possessionem* : *Provided however*, that the said successful claimant or claimants, shall also pay for any valuable and lasting improvements made

on the land after the expiration of said five years, *Provido*: before he shall be entitled to said writ of possession, to be ascertained by commissioners as aforesaid.

Sec. 10. *Be it further enacted*, That where any *bona fide* and innocent occupant of land, being a *bona fide* purchaser by written contract or deed, or holding the same by descent, under a purchase made as aforesaid, issued or shall hereafter be sued, and the land shall be recovered by the claimant or claimants, the occupant or occupants shall be entitled to the benefit of all and every of the provisions of this act, against the successful claimant or claimants; although such occupant or occupants, may be unable to shew a derivation of title, either in law or equity, from any original patentee of said land: *Provided however*, that nothing contained in this section or any section of this act, shall be construed to extend (to) any case where a decree or judgment has been rendered declaring the right to the property, although commissioners shall not have been appointed to value improvements, but proceedings shall be had therein under the laws now in force.

The provisions of the occupying claimant law extended to *bona fide* & innocent occupants of land who cannot show a derivation of title from the original patentee of the land.

This act not to apply to cases where the rights of the parties are declared and adjudicated.

Sec. 11. *Be it further enacted*, That the commissioners before they proceed to act, shall take the following oath or affirmation: "You, and each of you, do solemnly swear (or affirm) that you will impartially, and to the best of your skill and judgment, faithfully execute the duty required by the provisions of this act."

Comm'rs. to take an oath before they act as such.

Nothing in this act shall be so construed as to affect any parties between whom there has already been a final judgment or decree on the right of the land, and commissioners have been already appointed under the present occupying claimant laws.

Provido:

CHAP. CXXIV.

An ACT supplemental to an act forming the County of Perry.

Approved, December 21, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the collectors of the county levy for Clay and Floyd counties, shall on or before the first day of January, 1822, pay over to the county court of Perry county, their agent or attorney, all moneys by them collected, or which they may have a right to collect as county levy for the year 1820, and collectable in 1821, from the citizens of that part of Clay and Floyd counties now included in Perry county, after receiving a credit for all delinquents allowed by their respective county courts, a certificate of which shall be given by the clerk of said courts, which shall be evidence in a settlement with the county court of Perry, their agent or attorney; and the said collectors shall be allowed to retain in their own hands the same commission for collecting as is now allowed by law.

Money may be recovered by motion.

Sec. 2. If the said collectors or either of them, shall fail or refuse to pay over all such moneys, or any part thereof, at the time required by this act, (demand having been made) it shall be lawful for the said county court of Perry, their agent or attorney, to recover the same by motion in the same manner, and under the same rules and regulations as other county creditors are now allowed by law.

Boundary of Perry county changed.

Sec. 3. *Be it further enacted,* That the boundary line of the county of Perry, shall be as follows: Beginning on the middle fork of the Kentucky river, where the Estill line crosses the same; thence up said river to the mouth of Laurel; thence up Laurel to the War Gap on the Pine mountain; thence along said mountain to the Dividing Ridge between the waters of the Kentucky and Sandy rivers, and with the Dividing Ridge to the head of the north fork of Quick-sand; thence pursuing said ridge to the Estill

county line, and with said line to the beginning.

Sec. 4. That it shall be lawful for the sheriffs and collectors in the counties of Clay and Floyd, to collect all fines and moneys, and to execute all process, writs and executions as the law directs, which were put into their hands to collect previous to the time the act takes effect to which this is a supplement, and account for the same as if this act had not passed.

Sheriffs to collect their dues

Sec. 5. The circuit court for the county of Perry, shall be held on the fourth Mondays in May, August and November, instead of the fourth Mondays in April, July and October, as passed in the act to which this is a supplement, and may sit six juridical days should the business require it, and shall form a part of the twelfth judicial district.

Terms of circuit court changed.

Sec. 6. All the voters taken from Floyd county that live below the mouth of Canoe fork of Quicksand, shall vote with Floyd county until the apportionment of the next representation.

Provide.

CHAP. CXXV.

An ACT authorising the Trustees of the Hardin and Jefferson Academies to sell their donation lands, and for other purposes.

Approved, December 21, 1820.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Hardin academy, shall be, and they are hereby authorised to sell their seminary lands, or any of them, and to make conveyances of the same, advertising the time and place of sale at least one month before the sale, in some public newspaper,

Trustees may sell donation lands,

Sec. 2. The trustees of said academy, shall lay out the proceeds of the sale of said lands in building a seminary on the lot of ground belonging to said seminary in Elizabethtown; and the overplus, if any, to be expended in any way

How proceeds of sales may be laid out

which the trustees may think best calculated to promote the interest of the academy.

Majority to concur in sales Sec. 3. No sale of said land shall be made, unless a majority of all the trustees concur therein.

Trustees of the Jefferson seminary may sell lands, and their duty. Sec. 4. *Be it further enacted,* That the trustees of the Jefferson Seminary of learning in Jefferson county, a majority of all of them concurring, shall, and are hereby authorised, after advertising the time and place of sale one month in some newspaper before said sale, to sell the lands belonging to said institution, or any part thereof, for the best price which can be obtained for the same, and make mortgages for said land so sold; and the proceeds of said sales shall be exclusively appropriated by the trustees to the promotion of the objects of said institution.

Private & public seal dispensed with. Sec. 5. *Be it further enacted,* That hereafter no public or private seal shall be necessary to give legal validity to any act, obligation or transaction, which the trustees of said institutions may lawfully do or perform; but any such act, obligation or transaction, signed by the president or chairman of either of said institutions, and attested by their secretary or clerk, shall be as valid in law as if a seal had been affixed thereto.

CHAP. CXXVI.

An ACT for transcribing certain surveys on Treasury Warrants in Green County.

Approved, December 21, 1820.

Preamble. WHEREAS it is represented, to the present general assembly, that the record book in the surveyor's office of Green, containing a record of the surveys on treasury warrants, has by time and use, become defaced and injured, so as to render it difficult to make out correct copies from the said record book, and it is thought advisable to have the same transcribed in a well bound book, so as more effectually to preserve the record of said surveys: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the surveyor of Green county, be, and he is hereby required to cause all the said surveys on treasury warrants to be copied truly, in a well bound book to be provided for that purpose; and that so soon as he may have completed the same, he shall notify the county court of Green county, who shall cause the said record of surveys to be carefully examined by two of the justices of the said county court; which two justices, if they find the said surveys truly copied, shall so certify under their hands at the close of the said surveys in the said record book; and also return to the said county court a copy of said certificate, stating therein the number of surveys; whereupon the said court shall make an allowance to the said surveyor for his services in procuring the record book and copying the said surveys; but the allowance to be made to the said surveyor, shall not exceed the sum of twelve and a half cents for each plat and certificate of survey by him so recorded. That the sum so allowed by the county court, shall, upon the certificate of said county court, be paid to the surveyor out of the public treasury of this commonwealth.

Surveyor of Green to have them copied.

Two justices to examine transcript.

Allowance to surveyor.

To be paid out of treasury.

Sec. 2. That copies taken from the said record book, so made out and certified by the said surveyor, shall be evidence in the same manner as copies from the original book.

Copies taken therefrom declared valid.

CHAP. CXXVII.

An ACT for the benefit of John A. Markley.

Approved, December 21, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for John A. Markley to institute any suit or suits, he may think proper, in any of the courts of this commonwealth, for the recovery of all, or any part or parts of the real estate of which John A. Seitz died seized or possessed, or to which he was in any wise entitled;

Permitted to sue.

whether in law or equity ; and such suit or suits to prosecute in the same character ; and with the same effect as he might otherwise have lawfully done, had he been a citizen of the United States of America at the time of the death of the said John A. Seitz ; and that any right, title or claim which may have accrued to this commonwealth by reason of said John A. Seitz having departed this life without heirs or legal representatives, be, and the same is hereby vested in the said John A. Markley ; and that all disability to inherit the estate of the said John A. Seitz, resulting from the said John A. Markley being an alien at the time of the death of the said John A. Seitz, be, and the same is hereby removed, and shall in no wise obstruct the prosecution of any suit as aforesaid, nor bar the recovery of any of said property : *Provided however*, that said John A.

Disability on account of alienage removed.

To make proof of facts.

Markley, shall make satisfactory proof in all such suits, of those facts which would entitle him to recover as heir at law of said Seitz, had he, the said Markley, been a citizen of the United States of America at the time of the death of said Seitz : *And provided also*, that the estate, if any, which may be recovered under this act, as having been the property of John A. Seitz, shall be subject to the debts of said Seitz in the hands of said John A. Markley, in the same manner, and under the same regulations as if the same had been inherited by said John A. Markley : *And provided also*, that if the lands of which the said Seitz died seized or entitled to, or any part or parts thereof, have been fairly sold by John Jordan, the partner of the said Seitz for a valuable consideration, and the proceeds of such sale or sales have been applied by the said Jordan to the payment of any debt or debts, demand or demands, due and owing either by the said Seitz, or by the late firm of Seitz and Jordan, that the purchaser or purchasers, shall not be disturbed in their possession, or in any manner whatsoever affected by the passage of this act : *And provided also*, that the statute of limitations shall only commence running against the creditors of the said Seitz as far as it respects the assets acquired by the said

Estate, if received, to be liable to the debts of Seitz.

Purchasers under Jordan not to be disturbed.

When the statute of limitations to commence running

Markley by virtue of this act, from the time when such assets shall come into the possession of the said Markley.

CHAP. CXXVIII.

An ACT for the benefit of William W. and George W. Whitaker.

Approved, December 21, 1820.

WHEREAS it is represented to the present ^{Revised} general assembly, that William W. Whitaker and George W. Whitaker, being entitled, the former to two hundred acres of land granted to Horace Merry by Logan county court certificate, No. 983, and the latter to a certain tract of land granted by a Logan county court certificate, to Edward Stapleton, for ———, No. 1271, and which have been severally patented to said Whitakers; and they gave a joint notice, in the "Weekly Messenger," a public newspaper published in Russellville, that they would, on the 15th June last, proceed to procession said tracts of land, and described them as lying in Logan county; but when they came on the lands, found they were in Simpson county; notwithstanding, they proceeded to procession the same, and have made out reports thereof, and wish their proceedings legalized: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said Whitakers proceeding to have the reports of the processioners on the lands aforesaid recorded in the county court of Simpson, the same shall be as legal and valid as though the land had been described in the advertisement as lying in the county of Simpson, any law to the contrary notwithstanding.

Acts of processioners legalized.

CHAP. CXXIX.

An ACT to authorise the Secretary of State to furnish the Department of State for the United States with a complete edition of the Laws of this Commonwealth.

Approved, December 21, 1820.

To furnish Lit. tell's laws. Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the secretary of state be authorised, and he is hereby authorised and directed to furnish, without delay, to the department of state for the United States, a complete edition of Littell's Laws of Kentucky,* and the session acts entire, passed since the session of 1816.

Session acts. Sec. 2. It shall be and is hereby rendered the duty of the secretary of state to forward annually to the secretary of state for the United States, four copies of the laws of this commonwealth, immediately after the publication of the same.

CHAP. CXXX.

An ACT to prevent the circulation of Private Notes.

Approved, December 21, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to prevent the circulation of private notes in this commonwealth," approved January 28, 1817, be, and the same is hereby revived and continued in force from and after the first day of March next.

CHAP. CXXXI.

An ACT to amend the act entitled "an act to provide for the further publication of the Decisions of the Court of Appeals."

Approved, December 21, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the reporter of the decisions of the court of appeals shall re-

ceive, for each volume hereafter by him delivered to the secretary of state, pursuant to the said recited act, at the rate of six dollars for every six hundred pages thereof, instead of five dollars, the price at present allowed by law, to be certified and paid in the manner provided by the said recited act.

CHAP. CXXXII.

An ACT providing for the collection of the Revenue of Harlan County, for the year 1819.

Approved, December 21, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the clerk of the Knox county court, to make out a list of the taxable property in Harlan county, for the year 1819, and deliver the same upon application, to the sheriff of Harlan, whose duty it shall be to collect the revenue and county levy for the year 1819, and account for the same agreeably to law, on or before the first day of October next; and the sheriff of Harlan county shall have until the first day of October next to make out his delinquent list for the said year.

CHAP. CXXXIII.

An ACT for the benefit of poor Widows.

Approved, December 21, 1820.

WHEREAS it is represented to the present Preamble.
general assembly, that there are many poor widows in this state, with numerous helpless children, destitute of homes; and as there is vacant land now in this state, which might be of great utility to the poor and indigent; and inasmuch as it is consistent with good policy, for the legislature to protect the poor widows and fatherless: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any how to obtain Directions

the warrant for the land, and duty of register and auditor.

widow in this state, who shall make satisfactory proof to the county or circuit court of the county wherein she or they may reside, that she has not estate in her own right to the value of one hundred dollars; which fact shall be proved in open court, by the testimony of two or more credible witnesses; which application and evidence shall be entered of record in said court, and upon the applicant procuring a certified copy from the clerk of said court, and upon the same being produced to the auditor of public accounts, he shall issue his warrant to the treasurer for one hundred acres of land, and the treasurer shall give his quietus for the same; and the same being produced to the register of the land office, he shall issue a land warrant for one hundred acres of land, in favor of the applicant, without fee for the same: Which warrant shall and may be located on any waste and unappropriated land in this state, except the land west of the Tennessee river and south of Walker's line, upon which patents shall issue as in other cases.

Not liable to execution—to be a life estate to the widow with remainder to her children.

Not alienable.

Sec. 2. The land obtained by the provisions of this act, shall not be liable to sale by execution, nor shall it be subject to tenancy by the courtesy; but the same shall vest in the widow who acquires the title, for her life, with remainder to her children, if she have any; and if she have none, then the land shall revert to the commonwealth: And the land aforesaid shall not be alienable during the life of the person who obtains the patent.

CHAP. CXXXIV.

An ACT for the benefit of the heirs of Johnson Ellis.

Approved, December 21, 1820.

Preamble.

WHEREAS it is represented to this legislature, that Johnson Ellis died seised of three small tracts of land in the county of Allen, containing in the whole about five hundred and sixty acres; and that the widow of the said Ellis,

and his heirs, are desirous that the said tracts of land should be sold, and the proceeds thereof appropriated to their use:

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That* Walter Thomas and John Wills be, and they are hereby appointed commissioners, with full power to sell the said tracts of land of which the said Johnson Ellis died seized as aforesaid, on such credit as they may think proper, not exceeding two years, taking bond with sufficient security from the purchaser or purchasers, for securing the payment of the purchase money.

Comm'rs. and their powers,

Sec. 2. The said commissioners, before they enter upon the duties of their office, shall enter into bond with sufficient security, in the county court of Allen aforesaid, in the penalty of three thousand dollars, conditioned for the faithful performance of the duties herein enjoined; which bond shall be made payable to the commonwealth of Kentucky, and filed in the office of the court aforesaid, upon which any person aggrieved may sue and recover against and from the said commissioners, any damages which may be sustained by such person by reason of a breach or breaches of the condition thereof.

Comm'rs. to give bond, and their duty.

Sec. 3. The said commissioners shall give public notice in some authorised newspaper printed in this commonwealth, and at the court-house door of the county aforesaid, at least four weeks previous to their making any sale under this act. Upon making any such sale, and having received from the purchaser or purchasers the purchase money, the said commissioners shall execute a deed or deeds, as the case may be, to the purchaser or purchasers, conveying all the right and title of the said widow and heirs in and to the said lands.

Public notice be given—how and where.

Sec. 4. The proceeds of the said sales, as received, shall be paid over to Johnson J. Cockrill, guardian of the heirs of the said Johnson Ellis, who are infants, and to the widow aforesaid, according to the proportions which they are respectively entitled to; that is to say, one third part thereof to the widow, and the remain-

Proceeds of sale, how appropriated.

ing two thirds to the guardian aforesaid, for the use of the infant heirs aforesaid.

Proceedings
to be had be-
fore the judge
of Allen court.

Sec. 5. The provisions of this act shall not be carried into effect, unless the judge of the Allen circuit court, at the next term of such court, after inspecting this act, and hearing such testimony, orally, as may be offered and adduced in relation thereto, shall be fully satisfied, and shall enter on the records of the said court that the sale of the tracts of land mentioned therein will conduce to the benefit and advantage of the infant children of Johnson Ellis, deceased.

CHAP. CXXXV.

An ACT concerning the publication of Orders of Court, and for other purposes.

Approved, December 21, 1820.

Fees to print-
ers for public
advertisements regulated.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That in any suit at common law or in chancery, where an order of publication is granted by the court, and inserted in any authorised newspaper of this state, the editor or printer of said paper shall receive the sum of three dollars, and no more; and upon the reception of a greater sum, shall forfeit and pay to any person so injured, the sum of five dollars, to be recovered before any justice of the peace; and the justice of the peace, or the plaintiff, may call on the defendant or defendants to answer on oath whether he or they have not received a greater sum than three dollars for the insertion of an order of publication against a defendant or defendants.

'The Christian
Advocate,' in
Bowling-
Green, may insert
orders, &c

Sec. 2. All advertisements that are not exclusively directed by law to be inserted in the newspaper edited by the public printer, may be inserted in the newspaper printed in the town of Bowling-Green, under the name of "The Christian Advocate," under the same rules and regulations which govern other newspapers authorised to insert advertisements; and all advertisements inserted in the said newspaper,

shall have the same validity and effect, when certified by the editors, as if the same had been inserted in any newspaper in this commonwealth.

CHAP. CXXXVI.

An ACT for the benefit of Benjamin Bridges.

Approved, December 21, 1820.

WHEREAS the said Benjamin Bridges was, Preamble.
on the 28th day of March 1820, appointed by the acting governor of this state, agent on the part of this state, to apply for and receive into his custody, and conduct to the proper authority in the county of Jefferson, one Thomas Perry, and a negro man slave named Essex, the property of David L. Ward, fugitives from the justice of this state, then supposed to be in confinement in the state of Ohio : And whereas the said Bridges incurred much personal risk and trouble, and expended considerable sums of money in pursuit of said fugitives, and in the employment of guards to assist in conveying back to the proper authority in the county aforesaid, said Perry, for all which he has not, and cannot, according to the existing laws, receive any compensation : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, Auditor's duty.
That the auditor of public accounts be, and he is hereby authorised and required to issue his warrant on the treasurer, in favor of the said Benjamin Bridges, for the sum of one hundred and eighty dollars.

CHAP. CXXXVII.

An ACT appointing persons to view a way for a Road from Danville to the Tennessee Line.

Approved, December 21, 1820.

WHEREAS it is represented to the present Preamble.
general assembly, that it would conduce greatly to the benefit of the public to open a road from

the interior of this state to the Tennessee line in a direction to Murfreesborough, the point to which the great road is opened from New-Orleans : Wherefore,

Viewers. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Archibald Northcut of Casey county, Abraham Miller of Lincoln county, John Butler of Adair county, and James Gholson of Cumberland county, be, and they are hereby appointed commissioners to view the best and most practicable route for a road commencing at Danville; thence to the Tennessee line in a direction to Murfreesborough. The said commissioners, or a majority of them, shall have full power to employ a surveyor, chain carriers and marker; they shall cause the way so viewed by them, to be well marked and measured, and shall make out four plats and reports, stating distinctly the distance and practicability of making a good road, specially designating the hills and other impediments; they shall deposit one plat in each of the county court clerk's offices of Casey, Lincoln, Adair and Cumberland counties, and one in the office of the secretary of state; upon the plats being returned to the county courts aforesaid, the courts shall, if they think proper, a majority of all the justices in each county being present, cause the same to be opened agreeably to the law now in force in relation to opening roads.

Route.

Duty of viewers.

Reports.

Where to be made.

County court may have it opened.

Compensation of commis's. Sec. 2. The said commissioners shall receive for their services each one dollar per day, the surveyor two dollars per day, and the chain carriers and marker, each one dollar per day for every day they shall be necessarily employed in the discharge of their duties; which sum shall be proved in the county court of Adair, and if allowed by said court, shall be certified to the county courts of Cumberland, Lincoln and Casey; and each of said counties of Adair, Cumberland, Lincoln and Casey, shall levy an equal portion of said sum at their next court of claims, and shall be paid to the several persons entitled to the same.

Chain carriers and marker.

To be proved in Adair.

Claims, where to be levied.

CHAP. CXXXVIII.

An ACT supplementary to "an act to establish the Bank of the Commonwealth of Kentucky."

Approved, December 22, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That a branch of the "Bank of the Commonwealth of Kentucky," shall be, and is hereby established and located for the first judicial district, in the town of Flemingsburg; for the second, in the town of Falmouth; for the third, in the town of Lexington; for the fifth, in the town of Louisville; for the sixth, in the town of Hartford; for the seventh, in the town of Princeton; for the eighth, in the town of Greensburg; for the ninth, in the town of Harrodsburg; for the tenth, in the town of Winchester; for the eleventh, in the town of Mountsterling; and for the twelfth, in the town of Somerset; and each of said branches shall be styled the Branch of the Bank of the Commonwealth of Kentucky, at ————, (here add to the style of the branch the name of the town in which the same may be located.)

Branches thereof established in

Flemingsburg
Falmouth,
Lexington,
Louisville,
Hartford,
Princeton,
Greensburg,
Harrodsburg,
Winchester,
Mountsterling,
Somerset.

Style thereof.

Sec. 2. *And be it further enacted*. That the general assembly shall at their present session, and each subsequent annual session, elect a president and eight suitable persons as directors, to manage and superintend each of the said branch banks, any four of whom, together with the president, or in the event of his absence, any five of whom shall have power to transact the business of the said branch bank. The president and directors and other officers of each branch, shall, at the time of election, reside within the district to which the branch over which they preside belongs; and in the event of a vacancy happening by the death, resignation, removal, refusal to act or otherwise, of the president or either of the directors of any of the said branch banks, a majority of those remaining in office, shall fill up such vacancy; and the person or persons so appointed, shall hold their office during the remainder of the term for which the president or director so dying, resigning, removing or refusing to act, or oth-

President and directors of the branches to be elected annually by the legislature.

To reside in the district in which the branch is located.

May fill all vacancies in their respective boards.

To be subject to the same regulations, &c as the president and directors of the mother bank.

The salaries of the officers of the bank and branches, when to commence.

Cashiers' salary not to exceed 800 dolls. and clerks' 600 dolls.

President and directors of branches to appoint their cashier & clerk.

To hold their offices during good behaviour.

May be removed from office by the president and directors of the branch, or by the legislature. Cashier and clerk to take an oath.

Not permitted to have any account with the branches of which they are officers.

The construction & explanation of the 9th section of the original act.

erwise vacating his office, had to serve. The president, directors and officers of the said branch banks, shall, each and every of them, be subject to the same conditions, restrictions, limitations and penalties, as are imposed on the president, directors and officers of the principal bank : *Provided* the salaries of any of the officers of the said branch banks which may be allowed under the provisions of this act, or the act to which this is a supplement, shall not commence until the branch of which they are officers, shall have commenced banking : *And provided also*, that the board of directors of any of the branch banks, shall not allow their cashier more than eight hundred dollars per annum, nor their clerk more than six hundred dollars per annum.

Sec. 3. *And be it further enacted*, That the president and directors of each branch bank, are hereby authorised to appoint a cashier to their respective branches, and a clerk, should the business of the institution require the appointment of a clerk ; and the person so appointed cashier or clerk, shall hold their respective offices during good behavior, subject, however, to be removed by joint resolution of both branches of the legislature, or by the president and directors of the branch to which they belong, two thirds of the board of directors concurring in such removal. Every cashier and clerk so appointed, shall (before entering upon the duties of their respective offices) take the same oath which is required by the act to which this is a supplement.

Sec. 4. *And be it further enacted*, That neither the cashiers nor clerks of the principal bank or branches, shall have any individual or private account current, with the institutions to which they may respectively belong, except in relation to the salaries of such officers.

Sec. 5. *And be it further enacted*, That nothing in the ninth section of the act to which this is a supplement, shall be so construed as to charge or render liable in his individual capacity, any president or director of the principal bank or any branch thereof, if such president or director was necessarily absent, or being present at the board,

dissented from, and protested against the acts prohibited by said section.

Sec. 6. *And be it further enacted*, That the president and directors of the principal bank, may issue notes to a larger amount than is provided by the thirty sixth section of the act to which this is a supplement, before the next session of the legislature : *Provided* a majority of the directors elected concur therein : *And provided*, that the amount issued before the next session, shall not, on any preference, exceed the amount of three millions of dollars ; and if the amount reserved in the principal bank or any branch for loan, shall not be loaned in four months after said bank or branch shall have been put in operation, then and in that case, the president and directors of such bank or branch, may loan to individuals larger sums than is provided by the fifteenth section of the act to which this is a supplement ; but shall not loan to any individual a larger sum than two thousand dollars, and no individual shall have more on loan than the sum aforesaid at one time.

President and directors may issue 3,000,000 dollars prior to the next meeting of the legislature.

And may loan to individuals not exceeding 2000 dollars.

Sec. 7. *And be it further enacted*, That whosoever shall alter, forge or counterfeit any bill or note of the Bank of the Commonwealth of Kentucky, or shall erase or alter the same, or any endorsement thereon, or shall tender in payment, utter, vend, exchange or barter, any such altered, forged or counterfeit bill or note, or the endorsement thereon, knowing it to be such, or shall knowingly demand to have the same exchanged with intention to defraud, and all and every person who shall be accessory to any of the aforesaid offences, shall undergo a confinement in the jail and penitentiary, for any period not less than two years nor more than ten years.

Penalty for forging, counterfeiting, &c. the notes of said bank, or of being accessory thereto.

Sec. 8. *And be it further enacted*, That any property which may be sold under the twenty-fifth section of the act to which this is a supplement, whether the same may be purchased by an individual or by the corporation, shall be redeemable by the former owner at any time within two years, upon his paying into the principal

Property mortgaged to said bank and sold for debt, may be redeemed in 2 years by the debtor.

Terms of redemption.

And the duty of the cashier, president and directors in relation thereto.

Mode of apportioning the capital to new counties where no returns of taxable property are made.

The president and directors of the bank & branches not to be bound as security for any debt due said bank or branches.

Money belonging to one county not to be loaned to citizens of another county.

The sum loaned to a director to be deducted from the a-

bank, or the branch bank in which the debt may have been created, the amount for which the said property may have been sold, with an interest thereon at the rate of ten per cent. per annum from the time of sale to the day of redemption; and it shall be the duty of the cashier to receive the amount from the former owner, and give him a certificate of the redemption thereof, and shall on application, pay the amount of money received on such redemption to the purchaser, his heirs, executors, administrators or assigns, or lawful agent; and the president and directors under whose order any such property may be sold, shall not make any conveyance thereof to any purchaser until after the expiration of two years from the time of sale.

Sec. 9. *And be it further enacted*, That where any new county or counties have, or may be formed, and no list and valuation of taxable property for said county or counties may be returned, so as to show the amount of taxes to be paid in such county or counties, for the year one thousand eight hundred and twenty, it shall, and may be lawful for the president and directors for the principal bank, in apportioning the amount of active capital to be employed in said county or counties, to take for their guide the list which may be made out under the revenue laws in the year one thousand eight hundred and twenty-one.

Sec. 10. *And be it further enacted*, That neither the president nor any director, or other officer of the principal bank or any branch thereof, shall be bound as security for any debt contracted with said principal bank or any branch thereof.

Sec. 11. *Be it further enacted*, That whenever the president and directors of the mother bank or any of its branches, shall think it expedient to loan larger sums than one thousand dollars, as provided in the sixth section of this act, they shall not loan any money which belongs to any one county agreeably to the apportionment in the original bill, except to the citizens of said county.

Sec. 12. *And be it further enacted*, That when a director either for the principal bank or any of its branches, shall be chosen from a county in

which the principal or branch is not located, said director's accommodation shall be deducted from the sum allotted to be loaned in the county from which such director is taken.

mount allowed to the county in which he resides.

Sec. 13. *Be it further enacted*, That so much of the eighteenth section of the act to which this is a supplement, as requires the applicant to make oath for what purpose he wishes to obtain a loan of money from said bank or its branches, shall be, and the same is hereby repealed.

So much of the original bill as requires the applicant for a loan to take an oath repealed.

Sec. 14. *And be it further enacted*, That it shall be the duty of the president and directors of the principal bank and its branches, to regulate the calls to be made on notes under discount by the dates of the loans, calling first upon the loans which shall have been first made, in such a manner as to afford to each individual as near as may be; the same indulgence in regard to time, unless it shall appear at any time necessary to a majority of the board, to adopt a different course, for the safety and security of any particular debt or debts which may be due.

Regulations as to making calls on the debtors to the bank.

Sec. 15. *Be it further enacted*, That no bill of exchange or note, shall be discounted or purchased in the said bank or either of its branches, whereby to obtain therefrom a greater loan or accommodation than the person or persons offering the same might obtain agreeably to law in ordinary transactions upon notes of accommodation, unless the person or persons offering the same, shall file therewith, his, her or their affidavit with the president, cashier or clerk of the bank or branch in which the application shall be made, that he, she or they, either have, or verily believe will have funds to meet and discharge the said bill or note at the time and place, agreeably to the tenor and import thereof; or that he, she or they, intend and expect to apply the money or accommodation desired, in the purchase of the products or stock of the country, for the exportation thereof. And either of the said officers of the bank or branch in which the application shall be made, or any justice of the peace, may administer the said oath; and the affidavit, when made, shall be lodged with and safely kept by

No bill of exchange or note to be discounted whereby to obtain greater loans than are allowed by law to any individual.

Unless the applicant will make affidavit, &c.

The substance of the oath to be taken by applicant.

May be administered by the officers of the bank or branches, or a justice of the peace.

Affidavit to be lodged in the bank or branch the cashier or clerk thereof, until duly called on for the same by some officer of the government, for the purpose of administering the laws.

Notes less than one dollar may be issued. Sec. 16. *Be it further enacted,* That the said corporation may issue notes of a less denomination than one dollar; and the board of directors of the principal bank may, if they deem it expedient, authorise the issue of notes of less denominations than one dollar at the branches, to be signed by the president, and countersigned by the cashier of the branch issuing them: *Provided,* that the amount authorised to be issued by the branches in small change, shall be deducted from the principal furnished the said branches respectively.

Proviso. Sec. 17. *Be it further enacted,* That it shall be lawful for the president and directors for the time being, of the parent or principal bank aforesaid, if they shall deem it necessary for the more convenient and speedy operation of said corporation, to appoint from time to time, some officer of the said bank, or other suitable person, to sign under their direction and superintendence, any notes that may be issued by the order of said corporation, of the denomination of one dollar, and of all such smaller denominations as it may at any time be lawful for said corporation to issue; and all such notes signed by the person appointed as aforesaid, and issued by said corporation at the principal bank or any of its branches, shall have the same force and effect, and be in all respects upon the same footing as if signed by the president of said corporation, and countersigned by the cashier of the parent or principal bank.

The president & directors of the parent bank may appoint individuals to sign notes for and on account of the bank of the denomination of one dollar and under. And be as binding as if signed by the president, &c.

CHAP. CXXXIX.

An ACT to add a part of the County of Casey to the County of Mercer, and for other purposes.

Approved, December 22, 1820.

WHEREAS a portion of the citizens of Casey county have petitioned to be added to the county of Mercer: **Therefore,**

Recital.

Sec. 1. *Be it enacted* of the Commonwealth after the first day of Casey county, inc bounds, shall be, to the county of Mercer and Casey from the south-west thence such course of the following persons (now residents of) ling, Arthur North Coulter, John C. G. John Gee, Jacob Johnson, tin Conder, Charles Kirkland, Leonard Taylor, William Hewenton, Thomas Hutchings, Thomas Shannon, Matthew Flory, William Leolet, William Clemmens, Arthur Jones, John Christian, Henry Harper, William Taylor, Jacqueline A. Lewis and William Lobb, striking the Lincoln county line three and a half miles from the north-east corner of Casey county; thence northwardly to the junction of the Lincoln, Mercer and Casey lines; thence with the present Mercer line to the beginning.

Sec. 2. The surveyor of Mercer county shall, and he is hereby authorised and directed to run and mark the above boundary, on or before the first day of March next, or as soon thereafter as is convenient; and the county court of the county of Mercer. upon the said surveyor's returning a plat of the courses of said boundary lines, shall enter the same of record, and shall, at their next court of claims, make such allowance to said surveyor as they may deem just and reasonable, which shall be paid out of the county levy.

Sec. 3. Nothing herein contained shall prevent the sheriff of Casey county from collecting the revenue tax and county levy for the year 1820, as heretofore; and the said part of Casey county hereby added to the county of Mercer, shall constitute a part of the Perryville precinct at all general elections.

the several coun-
they are res-
changed by
provisions

prived of a por-
tion of the cap-
ital assigned
them by said
acts.

Sec. 4. D. M. Rice to
superintend
the running
the boundary
line on the part
of Casey coun-
ty.
His allowance,
and how paid
Plat of bound-
ary to be de-
livered with
clerk's court
pl.

Surveyor of
Mercer county
to run & mark
the division
line between
said counties.
Plat of courses
to be recorded
in clerk's of-
fice of Mercer
county court.
Surveyors how
paid.

Sheriff of Ca-
sey to make
collections.

Affidavit to be lodged in the bank or branch for the cashier M. Rice, of Casey county, is for the appointment of a commissioner on the part of Casey, to superintend the running of a boundary line; who shall receive for his services two dollars per day, to be paid by the county of Mercer, to be laid at their next court of claims.

Notes less than one dollar may be issued.

As proposed in the case of Casey county court. Place of holding elections in Rolling fork precinct changed.

Sec. 5. The surveyor shall distinctly mark the lines so run by him, and make out a fair plat of the same, and deposit it with the clerk of the Casey county court.

Sec. 6. The election in the Rolling Fork precinct shall hereafter be held at the house of Timothy Goode, in the county of Casey.

CHAP. CXL.

An ACT to establish a Branch Bank of the Bank of the Commonwealth, at Bowling-Green.

Approved, December 23, 1820.

A branch bank established at Bowling Green under the rules & regulations contained in the original & supplemental acts.

The citizens of Warren, Logan, Butler, Allen & Simpson excluded from loans at Hartford and Greensburg.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the counties of Warren, Logan, Butler, Allen and Simpson, shall be formed into one district, in which a branch bank of the Bank of the Commonwealth of Kentucky shall be established in the town of Bowling-Green; and that the active capital to which the before mentioned counties are entitled, in pursuance of the provisions of the original and supplemental acts establishing said bank, shall be deposited therein, and loaned out and distributed by the directors of the said branch, among the citizens of said counties, in the manner prescribed by said acts; and the directors of said branch bank, in all things relating thereto, shall be governed by the provisions of said recited acts; and that the citizens of the aforesaid counties shall be excluded from any loans from the branch banks established at Hartford and Greensburg.

The branches at Hartford & Greensburg de

Sec. 2. *Be it further enacted*, That the branch banks situated in the towns of Hartford and Greensburg, shall not be entitled to more of the

active capital of said bank, than the several counties forming the district in which they are respectively situated, as altered and changed by this act, will entitle them to, under the provisions of the said recited acts.

CHAP. CXLI.

An ACT authorising William A. Fry and others to erect a Bridge across the Kentucky River, and for other purposes.

Approved, December 23, 1820:

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That William A. Fry, Joshua Barbee, Thomas Kennedy, and such other persons as may associate themselves for that purpose, their heirs or assigns, be, and they are hereby authorised to erect an arch bridge across the Kentucky river, at or immediately below the place now occupied as a ferry by Henry Heronymus, and usually called Johnston's ferry, upon the terms and conditions hereinafter mentioned; that is to say: First—That in the construction of the said bridge, the said company shall not be permitted to erect any pier or abutment in the bed of the river, or in the river at low water, or to obstruct or injure the navigation of the said river in any manner whatsoever. Sec-
 ondly—The said William A. Fry and his associates shall complete the said bridge within five years from the passage of this act. Third—The said William A. Fry and his associates, or some one or more of them, shall, on or before the last day of June next, enter into bond in the county court for Garrard county, in the penalty of forty thousand dollars, with good security, to be approved of by the county court, conditioned for the payment of all damages which may be sustained by any person or persons navigating the said river, by the erection of the said bridge; which bond shall be made payable to the commonwealth of Kentucky; and it shall be the duty of the clerk of the county court for Garrard coun-
 Wm. A. Fry & others authorised to build a bridge over the Ky. river at Johnston's ferry.
 No pier or abutment to be erected in the river.
 Bridge to be completed within 5 years.
 Proprietors of the bridge to give bond and security in Garrard county court.
 The condition of the bond.
 The bond to be recorded, and copies thereof

may be admitted as evidence in suits brought thereon.

Bond to be executed prior to July next.

Damages may be recovered against the proprietors of the bridge for any losses occasioned in consequence of its erection to navigators and others.

Proviso.

The governor may require additional security from the proprietors of said bridge.

Tolls allowed for passing the bridge.

ty, to take the said bond and record the same in the deed book of his office—a copy of which, duly certified by the clerk, shall be admitted as evidence in any suit at law or in equity for a breach of the condition thereof: And if the said bond shall not be executed on or before the last day of June next, then this act shall be void and of no effect. And any person or persons navigating the said river, who may be injured by the erection of the said bridge, may bring suit in the name of the commonwealth for their benefit, and recover judgment for all damages they may have sustained thereby; and all such damages shall be paid to the person injured by the erection of the said bridge: *Provided however*, that in the trial of any suit or suits brought to recover damages against the said William A. Fry or his associates, or either of them, no judgment shall be rendered against them, or either of them, unless the jury shall first find the fact to be true, that the said bridge does obstruct the navigation of the river, and that the loss complained of was occasioned by the said obstruction, without the design, fault or palpable negligence of the owner or shipper of the goods or effects injured or lost.

Sec. 2. The governor or his successors may from time to time require new and additional security from the owners of said bridge, whenever it shall appear necessary.

Sec. 3. The said Fry and others, or their assigns, or their heirs, shall be entitled to demand and receive the following tolls for passing [said] bridge, to wit: For every man or woman, four and a half cents; for every child above five years old, four and a half cents; for every horse, mare, colt, jack or mule, five cents; for every waggon and team, fifty cents; for every cart, thirty seven and a half cents; for every riding carriage with four wheels, fifty cents; for every riding carriage with two wheels, thirty seven and a half cents; for every head of neat cattle, two cents; for every head of sheep, goats or hogs, one cent; and for every hoghead of tobacco rolled or carried across, not being in a cart or waggon, twenty-five cents.

Sec. 4. The said Fry and others, and all and every person or persons who may hereafter become the proprietors of said bridge, shall be subject to such regulations and restrictions as the legislature may from time to time deem necessary; and the legislature hereby expressly reserves the right and power of altering or repealing all or any part of the rights and privileges hereby granted, whenever it shall appear to them to be just and expedient so to do.

Reservation of powers by the legislature.

Sec. 5. When the said bridge shall be erected as aforesaid, immediate passage shall be given to all public messengers and expresses, whenever required, as long as the existence of the said bridge, without any toll.

Public messengers & expresses not to pay toll.

Sec. 6. *And be it further enacted*, That Charles Wallace shall have a right to build a floating bridge across Rough creek, at his mill, upon any plan which the said Wallace may think proper; *Provided*, the said Wallace shall enter into bond, in the clerk's office of Ohio county, in the penalty of ten thousand dollars, conditioned that the said bridge shall not injure the navigation of said stream; which said bond, if violated, may be sued on by any person or persons injured by the erection of said bridge, in any of the courts of this commonwealth having jurisdiction of the same, and shall not be void upon the first recovery. And the said Wallace shall have a right to demand and receive the following toll for passing said bridge: For each man and horse, six and a fourth cents; for each person, six and a fourth cents; for a two wheel carriage, twenty-five cents; for a waggon or four wheel carriage, thirty-seven and a half cents; for every head of neat cattle, two cents; for every head of hogs or sheep, one cent.

Charles Wallace authorised to build a floating bridge across Rough creek at his mill in Ohio county.

To give bond and security. The condition thereof.

May be put in suit by any person injured in consequence of its erection

The toll allowed for passing the bridge

CHAP. CXLII.

An ACT to alter and extend the time of holding the Cumberland Circuit Court, and for other purposes.

Approved, December 23, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court for the county of Cumberland shall commence on the second Monday in April, and on the second Mondays in June and September in each year; and may sit, at the April term thereof, twelve juridical days, should the business require it; and may sit, at the June and September terms, each, six juridical days, if the business require it.

To be held in April, June & September.

To sit 12 days in April, and 6 days at the other terms.

Writs, recognizances and process made returnable to the court as now directed to be held.

No discontinuance, &c.

April term of Monroe circuit court to commence on 4th Monday.

Harlan circuit court to sit on 4th Mondays in May, August & November, & continue six days.

Sec. 2. *Be it further enacted,* That all writs, recognizances, and every process and notice which have been or shall be made out before the first term of said court as directed by this act, and made returnable to the term of said court as heretofore directed by law to be held, shall be returnable and returned to the first term of said court as directed by this act to be held; and there shall be no discontinuance of any suit, writ, process or motion depending or to be made or issued in the said court, by reason of the change made by this act in the time of holding said court.

Sec. 3. *Be it further enacted,* That the April term of the Monroe circuit court shall hereafter commence on the fourth Monday in April in each year, and sit six juridical days, if the business require it.

Sec. 4. *Be it further enacted.* That the circuit court for the county of Harlan shall hereafter commence on the Monday succeeding the fourth Monday in May, August and November, and shall continue six juridical days, if the business thereof require it. And it shall be the duty of the judge of the twelfth judicial district to attend said court.

CHAP. CXLIII.

An ACT for the benefit of Jonathan M'Connell and John M'Kinney.

Approved, December 23, 1820.

WHEREAS it is represented to this general Recital assembly, that Jonathan M'Connell, a citizen of Casey county, is aged and infirm, and in extreme indigent circumstances, and is afflicted with rheumatic pains; that he was a faithful soldier in the revolutionary war, and that some years ago he settled in the county of Casey, on vacant land: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the register of the land office be, and he is hereby authorised to issue a warrant for one hundred acres of land; which warrant may be located on the land whereon he now lives, or on any other vacant and unappropriated land in this state, north of the Tennessee river and Walker's line.

And whereas it is further represented to the Further recital general assembly of the commonwealth of Kentucky, that John M'Kinney, of Rockcastle county, is a poor, decrepit person, unable either to purchase land or to pay rent: Therefore,

Sec. 2. *Be it enacted,* That the register of the land office shall issue to the said John M'Kinney a warrant for one hundred acres of land, to be located on any vacant and unappropriated land in Rockcastle county only. And on the said John M'Kinney causing the plat and certificate of the land so to be entered, to be returned to the register's office, the register shall issue a patent therefor, in the same manner as if it were on a warrant for which the state price had been paid.

CHAP. CXLIV.

An ACT for the benefit of the representatives of Samuel Beall, deceased.

Approved, December 23, 1820.

WHEREAS it is represented to this general Recital assembly, that Samuel Beall, of the county of

James' City, in the state of Virginia, died in the state of Pennsylvania, having first made and published his last will and testament, and deposited the same in some public office, and his heirs have lately possessed themselves thereof, and are desirous to have it proved and admitted to record in this state ; but on account of the age and distance of the witnesses by whom it is to be proved, great difficulty exists in procuring the attendance of the witnesses in any county court having jurisdiction : Therefore,

County court
of Jessamine
invested with
power to hear
proof & admit
to record, &c.
the will of the
deceased.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Jessamine shall have full authority and jurisdiction to hear the proof touching the last will and testament of said Samuel Beall ; to issue commissions to any other county in the state of Kentucky, or elsewhere, to take the deposition or depositions of witnesses touching the said will and testament ; and to hear the proof, and to cause the said last will and testament of said Samuel Beall, deceased, to be admitted to record, if to them it shall seem right and proper ; and to grant letters of probate, and in all things thereunto relating, to exercise jurisdiction, as fully, subject to like proceedings and incidents, as if the said Samuel had been resident in the said county of Jessamine at the time of his death, and as if the jurisdiction of said county court had vested under the general laws of this commonwealth, vesting jurisdiction in the county courts in like cases.

CHAP. CXLV.

An ACT for the divorce of sundry persons.

Approved, December 23, 1820.

Wm. H. Dunn, **WHEREAS** it is represented to the present
John Hughes, general assembly, that Elizabeth Dunn, wife of
William H. Dunn, was at the time of their marriage pregnant by another man, and of which the said William was ignorant : That Jane Hughes, wife of John Hughes, was, about four months af-

ter their marriage, delivered of a child by another man; that she was a prostitute, and of which the said John was ignorant: That Joannah Anderson, wife of Vincent Anderson, at their marriage had another husband: That Elizabeth Carstarphen, wife of Robert E. Carstarphen, was, at the time of their marriage, pregnant by another man, and of which the said Robert was ignorant: That Ann Smock, wife of Henry Smock of Mercer county, has been guilty of adultery, and has abandoned her husband: For which their husbands have severally prayed to be divorced: Therefore,

V. Anderson,

R. E. Carstarphen,

And H. Smock,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That [the] marriages between the parties aforesaid, shall be, and the same are hereby totally dissolved.

Divorced from their wives.

Sec. 2. *Be it further enacted,* That Sally Clarke, of Green county, be divorced from her husband John Clarke—it appearing that he has abandoned her for seven years, and without providing for her any means of livelihood, and has lived in a state of dissipation and idleness.

Sally Clarke divorced from her husband.

CHAP. CXLVI.

An ACT to establish an Election Precinct in Nelson County.

Approved, December 23, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Nelson county which lies within the following boundary, to wit: Beginning at the mouth of Wilson's creek; thence up the Rolling Fork to the mouth of Price's creek; thence up Price's creek to Ignatius Byne's; thence a straight line to the head of Landing run; thence down Landing run to the Beech Fork; thence up the Beech Fork to the mouth of Cedar creek; thence up Cedar creek to the head thereof; thence a straight course to Edmund Abel's, on the road leading from Bardstown to Shepherdsville; thence with said road to the Bullitt line, and with the said

Boundary of the precinct.

Elections to be held at J. Miller's, under the general laws regulating elections.

Voters may vote at the court-house or precinct.

line to the beginning, shall form an election precinct; and the election shall be held at the house of Capt. Jacob Miller in said bounds; and the laws now in force regulating elections at the precincts in said county, shall be applicable to govern and regulate the elections at and in said precinct.

Nothing in this act shall be construed to prevent any person within the bounds of said precinct, from voting at those places which by law they now have a right to vote at.

CHAP. CXLVII.

An ACT to amend the law concerning the sales of non-residents' lands for taxes.

Approved, December 23, 1829.

Law requiring annual sales, repealed.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of all laws as authorises the register of the land-office to sell the lands of non-residents, annually, for taxes and interest due thereon, shall be, and the same is hereby repealed.

If taxes are not paid, fifty per cent to be added the first year, and the tax to be doubled the second and third year. The land, at the end of every third year, to be sold.

To the state only.

May be redeemed.

Sec. 2. Whenever a non-resident owner of land shall fail to pay, at the time and in the manner prescribed by law, the taxes due thereon, fifty per cent shall be added to the amount of tax due for the first year; and the tax due each year thereafter, and not paid, shall be doubled; and when three years' tax shall be thus due and unpaid, the land, or so much thereof as will discharge the amount thus due, shall be advertised as heretofore; and if the taxes, interest and costs be not paid by the time stated in the advertisement, the land shall not be sold to individuals, but shall be stricken off to the commonwealth; and the right, title and interest of such non-resident shall thereby vest in the commonwealth. Nevertheless, the same may be redeemed by the owner, or any one for him, paying into the treasury the amount of taxes, interest and costs due on the same, together with an interest on the amount at the rate of one hundred per centum per

annum, within one year after the time of such sale to the commonwealth.

Nothing in this act shall be so construed as to prevent any person from redeeming any land heretofore sold or stricken off to the commonwealth; or when the same shall not have been redeemed, to prevent the register of the land-office from conveying the same to the purchaser. Proviso

CHAP. CXLVIII.

An ACT to amend the act appropriating fines and forfeitures for the purposes of promoting education.

Approved, December 25, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the county seminaries, shall respectively, appoint from time to time, as the same may be necessary, and remove at pleasure, a treasurer, whose duty it shall be in the month of December annually, to demand and receive all fines and forfeitures from the clerks of the several courts held in the county in which such treasurer may reside,; and the several attorneys for the commonwealth, shall prosecute to judgment, and collect all fines and forfeitures as heretofore, and pay the same over to the respective clerks of their courts; and in the event of a failure or refusal to pay on demand as aforesaid, the said treasurer may proceed by motion, giving reasonable notice, or action in the circuit court where such clerk resides, in the name of the commonwealth of Kentucky, for the use and benefit of the trustees of the seminary appointing such treasurer, to recover judgment against such clerk failing or refusing to pay any such fine or forfeiture as aforesaid, upon his bond of office.

Trustees of seminaries to appoint a treasurer.

His duty.

Circuit attorneys to collect fines and pay them to clerks.

Clerks may be proceeded against, if they fail to pay over fines.

Sec. 2. Every treasurer appointed as aforesaid, shall, at the term of the county court of the county in which he is appointed, next ensuing such appointment, enter into, and execute bond with one or more sufficient securities in a rea- Treasurer to give bond.

Condition.

May be proceeded on.

sonable penalty, to be prescribed by said court, payable to the commonwealth of Kentucky, conditioned truly and faithfully to execute and perform all and every of the duties of the office of treasurer for the trustees of the seminary appointing him to that office; and for any failure or failures, on the part of such treasurer to comply with the conditions of said bond or any of them, the trustees who have appointed such treasurer, or their successors in office, may, from time to time, sue and recover in the name of the commonwealth of Kentucky, in any court of competent jurisdiction upon said bond against the obligors named therein, or any of them, their or any of their heirs, executors or administrators, such damages as may be sustained by reason of the violation of the conditions of said bond or any of them.

Treasurer to pay over money to order of trustees.

Sec. 3. It shall be the duty of every treasurer appointed by virtue of this act, to pay to the order or orders of the trustees appointing him, or their successors in office, which order or orders, shall be certified by the clerk of the trustees without the corporate seal, any money or moneys, which he may collect as treasurer.

Judgments obtained under this act, how to be endorsed

Sec. 4. Whenever any judgment is had and obtained by virtue of this act, the execution issued thereon, shall be endorsed by the officer issuing the same, that no security of any kind shall be taken.

Fines before justices also appropriated.

Sec. 5. All fines and forfeitures assessed before justices of the peace, as well as in the several courts in this commonwealth, shall be considered as appropriated to the several seminaries of learning of the respective counties in which they may reside.

Clerks to make out abstracts of judgments obtained.

Sec. 6. Within thirty days after the termination of the session of any court within this commonwealth, it shall be the duty of the clerk thereof, to certify to the treasurer of the seminary of the county in which such court has been held, an abstract of every judgment rendered for any fine or forfeiture during the term of such court.

Commission allowed to the treasurer.

Sec. 7. The trustees of each county seminary, may allow to their treasurer a commission on

the amount of all moneys collected by him not exceeding ten per cent.

CHAP. CXLIX.

An ACT concerning Sheriffs and their Deputies.

Approved, December 25, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all bonds of indemnity hereafter executed by any deputy sheriff and his securities, to the principal of such deputy sheriff, shall be good and valid in law; and any law declaring void such contracts is hereby repealed.

Bonds of indemnity given by a deputy sheriff to a principal, declared valid.

CHAP. CL.

An ACT to regulate endorsements on executions.

Approved, December 25, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any execution shall issue from the clerk of any court, or any justice of the peace on any judgment or decree in favor of any person or persons or corporation, heretofore or hereafter obtained, it shall be lawful for the plaintiff or plaintiffs by themselves, their agent or attorney, to endorse on said execution as follows, viz: That either notes on the Bank of Kentucky or its branches, or notes on the Bank of the commonwealth of Kentucky or its branches, may be received by the officer in discharge of the whole of this execution; and in case such endorsement is made, said execution shall be collected or replevied agreeably to the laws in force allowing three months' replevin, without any further stay or replevin as hereafter allowed by this act.

Plaintiffs permitted to make endorsements on executions issuing on judgments or decrees rendered or to be rendered, that they will receive certain bank notes.

If the endorsement is made the execution to be proceeded on and collected under the laws allowing 3 months' replevy.

Sec. 2. *Be it further enacted,* That when any execution may issue as aforesaid, without an endorsement showing the consent of the plaintiff or plaintiffs, to take such bank notes as described

If the endorsement is not made, the defendant may re

play for two years,

in the first section of this act, and the said execution shall be levied on the estate or person of any such defendant or defendants, he, she or they may give bond with approved security to the officer executing the same to pay the amount of debt, interest and costs of any such execution, to the plaintiff or plaintiffs in two years, and the officers of justice shall be regulated in taking the said bond, and renewing execution thereon, as they are now directed by law in cases of replevin of bonds for three months.

If the endorsement is made on original executions, the defendant may replevy for 3 months only.

Executions on replevy bonds, or where no replevy is allowed, so endorsed, collected as if this act had not passed.

Executions in the hands of an officer when this act takes effect, may be endorsed as above, & the defendant may replevy 3 months. And if not endorsed, the defendant may replevy 2 years. No officer shall receive fee-bills for collection, or collect the same for 2 years after they become due, unless the endorsement is made on the list of such fee bills.

Sec. 3. *Be it further enacted*, That all original executions issued and endorsed by the plaintiff or plaintiffs, as in this act allowed, shall be replevied for three months as heretofore; and executions on replevin bonds, or on which replevin is not allowed, so endorsed, shall be collected as if this act had not passed, unless otherwise directed during the present session of the legislature.

Sec. 4. *Be it further enacted*, That where any execution shall be in the hands of any officer at the time this act takes effect, and is not then executed, the plaintiff or plaintiffs may make such endorsement as directed by the first section of this act, and thereupon a replevin of three months only shall be allowed; but in case such endorsement is not made, the defendant or defendants shall be entitled to a replevin of two years, as by this act directed.

Sec. 5. *Be it further enacted*, That no sheriff, constable or other officer, within two years after the same shall become due and payable, shall receive from any clerk, sheriff, constable, surveyor, justice of the peace or other officer, whose fee bills authorize distress, any fee bill for collection, unless such officer shall deliver to the officer to whom he delivers his fee bills, a duplicate list with a certificate that "notes on the Bank of Kentucky or its branches, or notes on the Bank of the Commonwealth of Kentucky or its branches, may be received in payment for all of the fee bills contained in this list," and all fee bills so endorsed, shall be discharged in the notes so endorsed, and the officer holding the

same may distrain for the same as heretofore allowed.

Sec. 6. *Be it further enacted*, That when any original execution has issued, or may hereafter issue, and the same shall be replevied for three months, agreeably to the laws in force allowing such replevin, the execution on such replevin bond, whenever it may emanate, shall be endorsed by the clerk or justice of the peace in the same manner as the original execution was endorsed under this act, and the sheriff or other officer executing the same, shall be governed thereby accordingly, so far as to receive such bank notes as may be endorsed thereon.

The endorsement shall be continued on executions issued on replevy bonds for 3 months taken pursuant to executions issuing on original judgments.

Sec. 7. That when any execution shall issue not endorsed agreeably to the provisions of the first section of this act, if the same shall not be replevied for two years, on or before the day of sale, the officer executing the same, shall sell the estate seized and taken in execution, on a credit of two years, and shall take bond with approved security from the purchaser, conditioned to pay the amount for which the estate may have been sold, with legal interest thereon, within two years from the day of sale; which bond shall contain substantially, the requisites of a bond taken by law for the sale of property at three months' credit with the proper variation, and shall be returned to the clerk's office or justice of the peace, and have the force of a judgment; and if the amount thereof is not paid at the time it becomes due, execution shall issue thereon as now directed by law in case of the ordinary replevin bonds, and the sheriff or other officer shall have the same commission as if the money was collected, all which shall be included and taxed by the sheriff or other officer, with other costs contained in the execution.

An execution not endorsed issuing on an original judgment if not replevied, the property seized to be sold on a credit of 2 years.

The purchaser to give bond & security.

To have the force of a judgment.

And, when due execution may issue thereon and be collected as in other cases.

Officer's fee.

Sec. 8. *Be it further enacted*, That all executions which shall, or may be issued, prior to the first day of July next upon any replevy bond, recognizance or other bond having the force of a judgment, except such as may be issued on bonds given for the purchase of property sold under execution, order or decree of sale, shall not be re-

Executions on certain bonds issued prior to the first day of July 1821, to be made returnable in 120 days, and to remain with

clerks or magistrates for 90 days after issued, &c. until 1st July.

All executions on replevy bonds may be taken out after 1st July next.

The lien on the property of the defendants shall attach from the test of the execution. Proviso.

turnable in a shorter time than one hundred and twenty days after the test of said execution ; and such execution or executions, shall remain in the office of the clerk or justice of the peace issuing the same, for ninety days after the same may have been issued : *Provided*, that executions may be taken out in all cases after the said first day of July. And such execution or executions, shall have the same lien upon the property or estate of the defendant or defendants, from the test thereof, that is now given by law from the time the same might have been placed in the hands of the sheriff or other officer to whom it might have been directed : *Provided however*, that if any plaintiff or plaintiffs, his, her or their agent or attorney, shall file an affidavit in writing with the clerk or justice of the peace, who have issued such execution or executions, that he, she or they have good cause to believe, and do believe that the defendant or defendants, in such execution or executions, will remove his, her or their property or estate without the county, or fraudulently conceal or transfer the same before the expiration of the ninety days, as aforesaid ; then and in that case it shall be lawful for such execution or executions to be taken out of the office of the clerk or justice of the peace, to be proceeded upon [in] the same manner as if this section had not passed.

If plaintiffs do not in addition endorse on the executions issued on certain bonds to receive the notes of the Bank of the Commonwealth of Ky. or branches, the defendant may replevy twelve months.

Sec. 9. *Be it further enacted*, That in all cases where an execution may or shall issue or be issued upon any replevin bond, recognizance, forthcoming bond, or other bond having the force of a judgment, except upon bonds given for the purchase of property sold under execution or order of sale, unless the plaintiff or plaintiffs shall in addition to the endorsement, that notes on the Bank of Kentucky and its branches will be taken in discharge of said execution, endorse that notes on the Bank of the Commonwealth of Kentucky and its branches will be received in like manner, the defendant or defendants in such execution or executions, may replevy the same for twelve months ; or if the said defendant or defendants shall not replevy said execution or exe-

utions, the same shall be levied. The estate so levied upon shall be sold on a credit of twelve months, and the officer making such sale shall take bond with good and sufficient security, of the purchaser or purchasers, which bond shall have the force and effect of a judgment, and in all respects be proceeded on as like bonds now are.

Sec. 10. That nothing in this act contained shall be so construed as to permit any sheriff, constable, or other officer, or collector of taxes, county levies, officers' fees or military fines, to replevy any judgment or execution obtained [against] such collector for the same; or permit any sheriff or other officer to replevy any judgment or execution obtained against him for moneys collected by him upon the execution of any person or persons; or any principal to replevy any judgment or execution which a security may have obtained against him for money, paid by said security for him; nor any attorney at law to replevy any judgment or execution had against him for money or other thing received by him for his client or clients; nor any collector of a town or corporation tax, to replevy any judgment or execution against him for money or other thing received by him as such.

Sec. 11. *Be it further enacted*, That no execution shall issue upon any judgment or decree, until ten days after the end of the term of the court which may have given such judgment or decree, or until ten days after the rendition of any judgment, if by a justice of the peace, unless for good cause shown, such court or justice of the peace may order it otherwise; and in all cases where the defendant or defendants shall have a right to replevy, under the provisions of this act, it shall be lawful for him, her or them, at any time before an execution is taken out of the office, to appear before the clerk of the court entering up such judgment or decree, or the justice of the peace by whom such judgment may have been rendered, and with one or more good securities, to be approved of by such clerk or justice of the peace, enter into a recognizance, in substance as follows: "This day the defendant A.

Or if not replevied the estate levied on, to be sold on a credit of 12 months. Officer to take bond and security of the purchaser, &c.

The provisions of this act not to apply to collectors of taxes, sheriffs, constables, other officers or attorneys at law, for money received in their official character, or to the principal of any security for money paid by the security.

No execution on a judgment or decree to issue for 10 days after the end of the court or the rendition of the judgment, unless for good cause.

Defendant may replevy before the clerk of the court or justice.

Form of the re
cognizance.

B. together with C. D. his security, came into my office as clerk of the _____ court, (or before me J. P. if before a justice of the peace,) and undertook that they would satisfy and pay E. F. his judgment and costs, amounting to _____, rendered in his favor against the said A. B. by this court, (or by me, if before a justice of the peace,) within _____ months, (according to the time allowed by this act for replevin,) with legal interest on the whole amount thereof, from this date :” Which recognizance shall be dated, and shall be signed by the defendant or defendants giving the same, and the security or securities, and witnessed, and shall have the force and effect of a replevin bond ; and execution may be issued thereon, after the expiration of the time of replevin. And it shall be lawful for the plaintiff to make a memorandum with the clerk or justice of the peace, as the case may be, when judgment or decree is entered, or at any time afterwards, that he will receive in payment the notes of the aforesaid banks ; and in taking the said recognizance, the clerk or justice of the peace shall be governed accordingly, in relation to the term of replevin ; and the clerk and magistrate shall respectively have the same fee for taking said recognizance as for issuing an execution.

To have the force of a replevy bond, & execution may issue thereon when due.

Plaintiffs may make memorandums with clerk or justice in relation to the endorsement of bank notes, who shall be governed thereby in taking recognizances. Fee to clerk & justice.

Commencement of this act.

Sec. 12. This act shall be in force from and after the first day of March next.

CHAP. CLI.

An ACT for the benefit of the heirs of Alexander Dunbar, deceased.

Approved, December 26, 1820.

Recital.

WHEREAS it is represented that Alexander Dunbar died possessed of an undivided moiety to a house and in lot situate in the town of Prestonsburg, and about thirty acres of land adjoining said town ; and that the said Dunbar died in embarrassed circumstances, and that his personal estate will not be sufficient to pay his debts,

and that it will conduce to the interest of the infants to authorise a sale thereof: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard R. Lee be, and he is hereby authorised to sell said moiety of said house and lot and the land aforesaid, to the highest bidder, at a credit of nine and eighteen months, taking from the purchaser bond and sufficient security for the payment of the purchase money: *Provided, however*, that no sale shall take place until the same is first advertised at the courthouse door in the town of Prestonsburg, for three weeks, and the said Richard R. Lee has executed bond and security in the county court of Floyd, in the penal sum of two thousand dollars, conditioned for the faithful execution of this act, payable to the commonwealth of Kentucky, and which may be put in suit by any person injured by a breach thereof.

Com'r. appointed to sell real estate of the decedant.

Proviso.

To give bond and security.

Condition thereof.

Sec. 2. *Be it further enacted*, That the said Richard R. Lee shall pay over the proceeds of said sale to the creditors of said Alexander Dunbar, deceased; and if any balance should remain in his hands, he shall pay the same over to the heirs and legal representatives of said Alexander Dunbar, deceased. And he shall have full power and authority to execute a deed of conveyance to the purchaser, for said undivided moiety of said lot and land, which shall vest the legal title of the said heirs thereto.

Proceeds of sale now applied.

Com'r. to make a conveyance.

CHAP. CLII.

An ACT to amend and extend the Charter of the Bank of Kentucky.

Approved, December 26, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the laws incorporating the president, directors and company of the Bank of Kentucky, as now in force, shall continue and remain in force until the end

The charter of the bank extended till 1829.

of [the] year 1829 ; subject, however, to the following amendments and alterations :

No person to be a director who does not own 5 shares of stock.

Not more than two thirds of the directors in office shall be reelected.

No person to be a director more than 3 years out of 4.

Not to extend to presidents.

Sec. 2. No person shall act as a director of the Bank of Kentucky, or any of its branches, who shall not be the owner of at least five shares in the capital stock of said bank. Not more than two-thirds of the directors of the Bank of Kentucky, or its branches, who are in office at the time of an annual election, shall be elected for the next succeeding year ; and no director shall hold his office more than three years out of four, in succession. Nothing in this act shall be construed to extend to the president of the bank or any of its branches.

Stockholders to recommend directors to the branches.

Sec. 3. The stockholders resident in the county where a branch of the bank may be located, and those residing in any adjoining county in which a branch may not be located, shall, at such time and manner as shall be prescribed by the by-laws of the corporation, by votes according to their stock, recommend as many persons for directors as shall be allowed to such branch bank ; which election shall be reported by the cashier of said branch bank, to the president, directors and company of the Bank of Kentucky, who shall appoint at least three-fourths the number so recommended, to act as directors for said branch.

Three fourths of those recommended to be appointed.

No president or director to be an endorser for more than \$5000 dollars.

Sec. 4. A president, director, or clerk, or cashier of the said bank or its branches, shall not be an endorser, on notes, [or] bills of exchange, purchased or discounted by the said corporation, to a greater amount than five thousand dollars.

How branches may be established.

Sec. 5. No additional branch bank shall be established without the concurrence of two-thirds of the directors elected by the state, and two-thirds of those elected by the stockholders ; nor without the assent of the general assembly. And if a branch bank now established, or which may hereafter be established, shall at any time prove unproductive ; that is, if the same shall not yield a fair bank profit, after paying its due proportion of expenses, it shall be the bounden duty of the corporation to withdraw such branch.

Branches when to be withdrawn.

Sec. 6. The stockholders may at their annual meetings elect one visiter, and the legislature may annually by joint ballot elect another, who shall not be directors of the bank or either of the branches, or members of either branch of the legislature. The visitors shall have full power and authority, at all times and on all occasions, to enter into the bank and its branches; to examine the funds on hand, the books, papers, dealings and transactions of every kind of the bank and its branches; to require statements and explanations, verbal or written, of the directory, of their dealing and course of business. And whenever they shall be of opinion that the interest of the institution requires it, they shall make reports, general or special, to the stockholders, and to the legislature: *Provided*, that similar powers and privileges to those given to the visitors as above, are hereby reserved to each and every subsequent legislature.

Visitors may be appointed.

Their powers and duty.

Reservation of powers & privileges to the legislature.

Sec. 7. The president, directors and company may at any time purchase in any stock or estate, which now is, or may hereafter be pledged to them, and which it may be necessary for them to sell, or which may be sold under execution, or decree, or order of sale, to satisfy a debt due to the bank or any of its branches: *Provided, however*, that any person or persons whose real estate shall have been pledged or mortgaged to the Bank of Kentucky, and sold by the bank, and purchased by the corporation in pursuance of this act, shall have the right to redeem the property so sold and purchased by the bank, within one year from the date of such sale, by paying over to the bank the amount for which such estate was pledged, together with interest thereon at the rate of six per cent. per annum, from the time of such sale to the date of the redemption aforesaid: *And provided further*, that if the estate sold and purchased by the bank, shall not be redeemed within one year, it shall be the duty of the president and directors aforesaid to sell such estate to any other person or persons, who may give to the president, directors and company aforesaid the sum for which such estate was li-

President, directors and co. authorised to purchase stock or estate pledged to them, or which may be sold under execution to satisfy any debt due them.

Owners of real estate purchased by the bank may redeem the same in 1 year.

And if not redeemed, to be sold by the bank.

No officer of the bank to purchase real estate from the same.

Members of the legislature not eligible to the office of president, director or cashier to the bank or branches.

The election of any president, director or cashier to the legislature, vacates his office in the bank or branch.

Tax or bonus to be paid to the state after 1821.

Attorney-general may sue out a scire facias against the bank, to forfeit the charter, for a violation of any of its provisions.

Provision for closing the concern of the in-

ble, together with six per cent. interest thereon, and such sums of money as will be sufficient to discharge the necessary costs actually incurred by the bank in the sale aforesaid : *Provided*, that no director or officer of the bank or any of its branches, shall have a right to purchase any real estate from the same.

Sec. 8. *Be it further enacted*, That no person shall be eligible to the office of president, or director, or cashier of the mother bank or its branches, or shall act as such, who may be a member of either house of the general assembly of this commonwealth. And any president, director or cashier of the mother bank or any of its branches, who shall be elected to either house of the legislature, shall, by his election to the general assembly, vacate his office as president, director or cashier, and shall be ineligible for one year after his term of service in the legislature shall have expired; and the vacancy shall be filled in the same manner as if it had taken place by death or resignation.

Sec. 9. From and after the last day of December 1821, there shall be paid by the said corporation, an annual tax or bonus upon the capital stock actually paid in, [of] fifty cents on each share; to be paid in and collected as is now prescribed by law for the collection of the tax already imposed upon the stock of the said bank.

Sec. 10. *Be it further enacted*, That it shall be lawful for the attorney-general to sue out a *scire facias* against the said corporation, in the general court, summoning the president thereof for the time being, as the representative of the said bank, to show cause why the charter of the said bank shall not be repealed and declared forfeited; in which *scire facias* he shall set forth the facts by which the said bank may have forfeited its charter; upon which an issue shall be formed, either of law or fact as in other cases; and if the same shall be found against the said corporation, the court shall pronounce judgment, declaring void the said charter. Nevertheless, the said corporation may sue and be sued in its

corporate name and character, until the business of the said corporation shall be finally closed.

Sec. 11. *Be it further enacted*, That the loan by the said corporation, to any one person, or company of persons, shall not at any time exceed the sum of ten thousand dollars, unless upon a pledge of stock, at such value as the president and directors shall fix; and it shall be the duty of the president and directors, by regular calls, to reduce the amount of the debts owing to the said corporation, by any person or persons, until the same shall not exceed the amount aforesaid, or to any less amount they may think proper and right.

Sec. 12. *Be it further enacted*, That the president, directors and company of the Bank of Kentucky, in addition to the mode and form now pursued in the notes by them discounted, may also adopt the following, in substance, as the form of the note to be by them discounted: "We, A. B. principal, and B. C. and D. E. securities, or either of us, promise to pay the president, directors and company of the Bank of Kentucky, the sum of _____, days after date, value received." The consideration of which note, when discounted by the bank or its branches, shall not, by the said drawers, or either of them, be questioned in any suit brought upon the same to coerce the payment thereof, from the whole, or either of the obligors in said note.

Sec. 13. *Be it further enacted*, That hereafter it shall not be necessary for the president, directors and company of the said bank, to give notice of protest of any bill or note by them discounted, to the drawer or endorsers, unless in cases when it is on a real transaction between the drawer or endorsers; and in cases where the want of notice shall be urged as a ground of defence, in any suit hereafter brought upon contracts hereafter executed, the defendant or defendants shall prove satisfactorily to the court and jury, that the note sued upon was a real transaction, and that the same was not by him endorsed to enable the drawer or any one else to obtain credit by such endorsement.

stitution if the charter be forfeited.

Loans by the bank to any one person, not to exceed 10,000 dollars, except on pledge of stock.

And where greater loans have been obtained, they are to be reduced by calls to that sum.

Directory may adopt another form of notes to be discounted.

The consideration not to be questioned.

Notice of protest not hereafter to be necessary on notes hereafter executed, except upon real transactions.

Notice to withdraw stock, when and how to be given.

Names of those who give notice, with the amount of their stock, to be laid before the legislature.

Valuation of the worth of the institution to be made out and laid before the legislature, who are to prescribe how the amount of stock withdrawn shall be paid.

The stock of the state to be paid over to the cashier of the Bank of the Commonwealth, in 3 annual instalments commencing in 1824.

Real estate & doubtful debts how divided between the state and other stockholders.

Sec. 14. *Be it further enacted*, That if any stockholder shall wish to withdraw his stock, at the expiration of the charter of the said bank hereby extended, it shall be the duty of such stockholders, their agent, executor, administrator or guardian, on or before the first day of May 1821, to file with the first clerk of said bank a notice in writing, of his, her or their intention to withdraw their stock; which notice shall be recorded in a book to [be] kept for that purpose; and the names of all those who have thus notified their wish to withdraw their stock, shall, together with the amount of their stock, be reported to the next legislature, on or before the third day of their session.

Sec. 15. *Be it further enacted*, That the president and directors of the said bank, shall cause a fair valuation of the worth of the institution, taking into consideration the losses to arise from bad debts, &c. At the expiration of the old charter; which estimate shall be laid before the legislature at their ensuing session, who by law shall prescribe the time, mode and manner, in which the amount or value of stock so withdrawn, shall be paid to the respective owners. And it shall further be the duty of said president and directors, to pay over to the cashier of the Bank of the Commonwealth of Kentucky, the stock of the state in said institution agreeable to the valuation aforesaid, after deducting all real estate and doubtful or bad debts; which payments shall be made in specie, or in the notes of the Bank of the commonwealth of Kentucky or its branches, in three annual instalments; the first to be made on the last day of December, one thousand eight hundred and twenty-four. And the said presidents and directors of said banks, shall, by mutual agreement, determine on the mode of division or sale of the real estate of the Bank of Kentucky, or the proceeds thereof; and also, on the collection or division of all debts deemed doubtful or bad, and for those purposes, may appoint trustees, agents and attorneys for managing the same, so that a just and equitable division may be made between the state and

other stockholders, in proportion to the stock held by each respectively. And so soon as the whole of the funds of the state shall be paid over or distributed, or placed in the hands of agents as aforesaid, by the Bank of Kentucky, to the Bank of the Commonwealth of Kentucky, all power to elect a president and six directors on the part of the state shall cease, and said elections thereafter be made by the stockholders.

When the state funds are withdrawn the stockholders to elect all the directory.

Sec. 16. *Be it enacted*, That the act entitled "an act to amend and continue in force for a longer period the charter of the Bank of Kentucky," approved February sixth, one thousand eight hundred and nineteen, be, and the same is hereby repealed.

Former act repealed.

Sec. 17. *Be it enacted*, That no president or director of said bank or any of its branches, shall have on loan from said bank or branches, at any one time after the year one thousand eight hundred and twenty-one, a greater sum than three thousand dollars, unless upon a pledge of stock.

Limitation of loans to the directors.

Sec. 18. *Be it enacted*, That whenever a vacancy shall happen in the office of cashier or clerk of any of the branch banks, said vacancy shall be filled by the vote of a majority of the directors and president of said branch ; and upon the establishment and location of a new branch bank, the cashier and clerk shall be appointed by a majority of the directors and president of said branch.

President and directors of the branches hereafter to elect their cashier & clerk.

Sec. 19. *Be it further enacted*, That no director of the principal bank or any of its branches, shall act as a cashier or clerk to said bank or branches.

Directors not to act as cashier or clerk.

Sec. 20. *Be it enacted*, That the legislature reserve to themselves the right, at any time by law, to change the site and location of the mother bank.

Legislature may change the site of the mother bank.

Sec. 21. *Be it further enacted*, That the right to repeal this charter, and direct that the affairs of the corporation shall be closed, is reserved to the legislature.

Right to repeal this charter reserved.

CHAP. CLIII.

An ACT to change the Terms of the Logan Circuit Court.

Approved, December 26, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Logan circuit court shall hereafter commence on the second Mondays in May, August and November ; and so much of the act of last session as directs them to be held on the first Mondays in said months is hereby repealed.

CHAP. CLIV.

An ACT to add part of Gallatin to Owen County.

Approved, December 26, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March next, all that part of Gallatin county within the following boundary, to wit: Beginning at the Upper Twin creek at the mouth thereof on the Kentucky river ; thence down the said river to Marion or Simpson's ferry ; thence a straight line to strike Eagle creek at Spencer's lick ; thence up Eagle creek to the Grant county line ; thence with said line to the present Gallatin, Grant and Owen county corner ; thence down the Owen and Gallatin line to the beginning ; shall be, and the same is hereby added to the county of Owen : Provided, that any suit or suits, pending in any court of law or equity, or before any justice of the peace against any person or persons, in that part of the county of Gallatin, on the said first day of March next, may be proceeded in and prosecuted and defended as heretofore : And provided also, that the sheriff and other civil officers of the county of Gallatin, who may on said day have any process in their hands against any such person or persons, may execute the same, and may also collect any taxes, fines or county levies, which on said day may be in their hands to be collected, in*

Boundary.

Suits not to be affected by it.

Sheriffs may make their collections.

the same manner as if this law had not been passed.

Sec. 2. The surveyors of the counties of Gallatin and Owen, by themselves or deputies, shall on the said first day of March, or so soon thereafter as may be practicable, run and mark the second line as hereby established between the said counties; and having so run and marked the line, shall report the same to their respective county courts, which shall be deemed and held the true line; and if either of the surveyors shall refuse to act by himself or deputy, the other surveyor by himself or deputy, may proceed to run and mark said line, and report as aforesaid.

Surveyors to run the lines

Sec. 3. The surveyors for running and marking said line, shall each be allowed the sum of three dollars per day, and the marker and chain carriers, the sum of one dollar per day each, to be paid by their respective counties.

Fees therefor

Sec. 4. The county of Owen shall be entitled to three justices of the peace in addition to the number now allowed by law.

Additional justices allowed

CHAP. CLV.

An ACT for surveying the Military Claims west of the Tennessee River.

Approved, December 26, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the surveyor of the lands set apart for the satisfaction of the legal bounties of the officers and soldiers of the Virginia line on state establishment, be, and he is hereby authorised and required by himself or his deputies, to procure chain carriers and markers, and to survey without delay, all entries made in his office, prior to the first day of May, one thousand seven hundred and ninety-two, on warrants for military services aforesaid; and shall make out a full and fair connexion of the surveys so made, shewing where and how they interfere with the townships and sections of the land as laid off by William T. Henderson,

Surveyor of lands of the officers and soldiers of Virginia state line, to survey entries made prior to 1792, on military warrants.

Shall make out connection of said surveys.

Pay for chain-carriers and marker.

surveyor for the state, and record one copy in his office, and return another copy to the register's office, on or before the first day of December next; and there shall be, and is hereby allowed to said surveyor as a compensation for the employment of chain carriers and markers, a fee at the rate of six cents for each one hundred poles of the boundary of such running for each chain carrier and marker.

Surveys to contain the true quantity, and no more.

Sec. 2. *And be it further enacted*, That the surveys made in pursuance of this act, shall contain the quantity of land specified in such entry, and no more, and the surveyor aforesaid, by himself or his deputies, shall cause the lines and corners bounding such survey, to be plainly marked on every line thereof.

Boundaries to be marked.

Surveyor to give notice of the time when he will commence surveying.

Sec. 3. *And be it further enacted*, That it shall be the duty of the surveyor aforesaid, to give notice in some one or more of the newspapers printed within this commonwealth, of the time when he will be ready to proceed to execute the surveys aforesaid; which notice shall be given at least two months before he shall proceed to survey.

Plats and certificates of survey to be recorded in surveyor's office, and certified to the register with the entry and warrant.

Sec. 4. *And be it further enacted*, That the plats and certificates of survey aforesaid, shall be recorded in the office of the surveyor aforesaid, and by him certified to the register of the land office, together with a copy of the entry on which the same is founded, and the warrant authorising the entry; and to enable the register to ascertain whether the survey is made according to entry, a copy of the entry shall be returned to the register's office, with the plat and certificate of survey; and any patent issuing on a survey made contrary to the location, shall be void to all intents and purposes, so far as the same may be different and variant from the location, on which the register of the land office shall be, and he is hereby authorised and required, to issue a grant according to the laws regulating the issuing of grants founded on entries made before the separation of this state from the state of Virginia; *Provided however*, that the surveyor aforesaid, shall not be bound to deliver any plat and

Patents on a survey made contrary to entry, void.

Register to issue patents.

Surveyor not bound to de-

certificate of survey to the owner, his agent or attorney, before the fees established by law, shall have been paid or tendered to him: *And provided further*, that the register of the land-office shall not receive and register any plat or certificate of survey, until the fees allowed by law are paid to him; nor shall any grant issue before the expiration of six months after the plat and certificate of survey shall have been registered.

Sec. 5. *And be it further enacted*, That it shall be the duty of the surveyor aforesaid, in the execution of every survey made in pursuance to this act to ascertain the distance and bearing of the nearest corner of a township or section to the beginning corner of the survey by him made; and also to ascertain the distance and bearing of the nearest corner of a township or section, to each corner of every survey by him made; and report the same in the plat and certificate of survey, by the numbers and description of timber, agreeably to the map, or plat deposited in the register's office by William T. Henderson, surveyor for the state; and if it shall appear to the register of the land-office, that the plat and certificate of survey contains a surplus of more than five per cent. on the quantity specified in the plat and certificate of survey, or that other land has been surveyed than that described in the entry, no grant shall be issued thereon.

Sec. 6. *And be it further enacted*, That the lands aforesaid, lying west of the Tennessee river, shall be subject to taxation as other lands in this commonwealth, from and after the tenth of March next.

Sec. 7. *Be it further enacted*, That the surveyor shall cause to be made out and returned to the register's office, a connected plat of all surveys made by him or his deputy.

Sec. 8. *Be it further enacted*, That the surveyor shall have power and authority to appoint one or more additional deputies, by and with the consent of the county court of Livingston county, who shall take the oaths now required by the laws in force relative to the appointment of de-

liver plat and certificate of survey till his fees are paid. Register not to receive them without the fees being paid. Grant not to issue for six months.

Surveyor to ascertain and certify the distance and bearing of each corner of every survey, to the nearest corner of a township or section.

If a survey contain a greater surplus than five per cent. or is surveyed contrary to entry, no grant to issue.

Lands west of Tennessee to be subject to taxation.

Surveyor to return a connected plat of all surveys made by him; to the register's office. May appoint deputies, with consent of Livingston county court.

puty surveyors; for whose official conduct the said surveyor shall be responsible.

Persons failing to return plats & certificates of survey to register's office before 1823, to forfeit their claims.

Exceptions of infants, &c. who have two years after their disability is removed to return plats & certificates.

Sec. 9. If the person or persons, entitled to a ny plat and certificate of survey directed to be made by this act, shall not take the same out of the surveyor's office, and cause the same to be filed with the register of the land-office, on or before the first day of January, in the year one thousand eight hundred and twenty-three, the right of such person or persons to the entry on which such survey was made, and the lands therein described, shall be considered lapsed and forfeited to the state: *Provided however*, that if the person or persons entitled to such plat and certificate, shall be an infant or infants, *feme covert*, or of unsound mind, he, she or they shall have the term of two years after such disability is removed, to take out and register such plat and certificate.

CHAP. CLVI.

An ACT for the benefit of the Heirs of Morgan Pitcher, deceased.

Approved, December 26, 1820:

Recital.

WHEREAS Morgan Pitcher, deceased, did in his lifetime, sell to William Parrish, about twenty acres of wood land adjoining the land on which the said Parrish now lives, for which payment is made without any evidence in writing to bind the contract; and it being the wish of all the parties that the conveyance should be made, agreeably to the said contract: Therefore,

Com'r. to convey land sold by decedant in his lifetime.

Proviso.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Campbell, surveyor of Estill county, be, and he is hereby authorised to convey the said piece of land to the said William Parrish: *Provided however*, that satisfactory proof shall be made before the Estill circuit court, that the whole of the purchase money has been paid; whereupon, if the said court shall be of opinion that it will be to the interest of the heirs of the said Morgan

Pitcher, that a conveyance of said piece of land should be made, an order to that effect shall be entered of record, and the said Thomas Campbell shall convey accordingly ; which said conveyance shall be as effectual to pass the title, as if the same had been made by the said Morgan Pitcher in his lifetime.

Sec. 2. *Be it further enacted*, That if the widow of said Pitcher should join the said Campbell in the said conveyance, it shall operate as a complete divestiture of her right of dower to the said land.

CHAP. CLVII.

An ACT to divide the fifth Judicial District.

Approved, December 26, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the counties of Bullitt, Nelson and Hardin, shall compose the thirteenth judicial district : *Provided*, that there shall be but one branch of the Bank of the Commonwealth of Kentucky, established in the fifth and thirteenth judicial districts.

Thirteenth judicial district formed.

Provide.

Sec. 2. A circuit judge and commonwealth's attorney shall be appointed for the said judicial district, with the same powers, and entitled to the same emoluments as are now granted and allowed to such officers.

Judge & commonwealth's attorney to be appointed.

CHAP. CLVIII.

An ACT regulating the manner of Taxing Attornies' Fees.

Approved, December 27, 1820.

• Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That in taxing costs in the several courts of this commonwealth, the following attornies' fees shall be taxed, on all final judgments or decrees where costs

Chancery suits
for land or real
actions, fee in.

In other cases
in general and
court of ap-
peals.

In circuit court

are recovered, except in those cases where by particular laws no attorney's fee is directed to be taxed, to wit: On all decrees where the title or bounds of land shall or may come in question, or on judgments in real actions, the clerks of the court of appeals, general court and circuit courts, shall tax the sum of ten dollars. In other cases, the clerk of the court of appeals and general court, shall tax five dollars; and the circuit court clerks shall in mixed or personal actions, where the title or bounds of land shall come in question, tax the sum of five dollars; and in all other cases, two dollars and fifty cents.

No execution
to be quashed
for excess or
diminution in
taxation.

Provide.

Sec. 2. From and after the first day of February next, no motion shall be made to quash any execution on any judgment heretofore rendered, or to reduce the same on account of excess in taxing the attorney's fee, or on account of its being smaller than it ought to have been when judged by the law as it has stood heretofore: *Provided*, that the taxation shall correspond with this act.

CHAP. CLIX.

An ACT to establish Election Precincts in Livingston and Caldwell Counties.

Approved, December 27, 1820.

Precinct in
Caldwell.

Where votes
to be taken.

County court
of Caldwell to
appoint clerk
and judges.
Their duty.
Duty of sheriff

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Caldwell county lying south and west of the Tennessee river, shall be an election precinct in said county; and the qualified voters shall meet at the house of William Owens, and vote in all general elections. The county court of Caldwell shall appoint judges and clerk to said precinct, who shall be governed in all respects as the judges and clerks in the other precincts are in said county heretofore established; and the sheriff or his deputy shall attend said elections, and shall meet and compare the polls

at the same time and place of comparing them from the other precincts in said county.

Sec. 2. *Be it further enacted*, That it shall be lawful at the annual and other general elections, to hold an election at the courthouse in Eddyville; and it is declared to be the duty of the county court of Caldwell, annually to appoint judges and clerk to said election precinct at Eddyville; and the sheriff of said county by himself or deputy, shall attend said precinct, and shall meet the other sheriffs with the polls at the times and places now provided by law for comparing the polls of the other precinct or precincts of said county of Caldwell; and all the votes taken at said precinct, shall be as good and valid as those taken at any other place in said county.

Another precinct in Caldwell.

Sec. 3. *Be it further enacted*, That all that part of Livingston county lying south and west of the Tennessee river, shall form an election precinct; and the qualified voters shall meet at the house of Samuel Whilson and vote in all general elections; and the county court of Livingston county, shall appoint judges and clerk to said precinct, who shall be governed in all respects as the judges and clerks in other precincts are in said county heretofore established; and the sheriff or his deputy, shall attend said election precinct, and shall meet and compare the polls at the same time and place of comparing them from other precincts in said county.

Precinct in Livingston.

Judges & clerk to be appointed.

CHAP. CLX.

An ACT for the benefit of Sheriffs.

Approved, December 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several sheriffs of this commonwealth, who shall, on or before the first day of February next, pay into the public treasury that part of the revenue tax for the year 1819, which they shall have collected before that time; any sheriff, or his deputies,

To pay the part of the revenue of 1819 collected before Feb. 1821.

Affidavit to be made of the sum collected.

Two months given to pay the balance.

Damages & interest remitted.

Balance to be paid before April.

Judgm'ts. may be recovered against them.

Proviso.

Further proviso.

Further time to return delinquent lists.

who shall produce to the auditor of public accounts an affidavit made by him or them before a justice of the peace, stating that the sum by him or them paid into the treasury, amounts to as much as he or they have collected from the people, of the revenue tax for 1819, the auditor shall give to such sheriff the further time of two months to pay the balance into the treasury; and the damages or interest imposed by law on sheriffs, for failing to pay the revenue tax into the public treasury, shall be remitted for said year, to all sheriffs who shall make payment into the treasury, and file with the auditor of public accounts the affidavit or affidavits aforesaid, and who shall thereafter pay the balance into the treasury on or before the first day of April next; and the interest shall be remitted to all sheriffs, upon the amount of the tax for 1819, which shall be paid by them respectively into the treasury on or before the first day of February next, whether the affidavit is furnished the auditor or not: *Provided, however,* that nothing in this act contained shall be so construed as to prevent judgment to be recovered against any sheriff and his securities, for the revenue tax for 1819, or any part thereof, as though this act had not passed; but execution shall not be issued thereon, in no case, before the second day of February next, nor against such sheriffs as shall make the payments and file the affidavit or affidavits aforesaid, before the second day of April next; unless, in either case, the securities, or some one or more of them, of any such sheriffs, shall give notice to the auditor of public accounts, that he or they desire execution to be issued, in which case execution shall issue, and the same proceedings [be] had thereon as though this act had not passed.

Sec. 2. The sheriffs of this commonwealth shall have three months from and after the passage of this act, to have their delinquent lists of county levies and revenue for 1819 allowed by the respective county courts, and certified, the latter to the auditor of public accounts, which shall be credited as though they had been made

out, allowed and certified within the time prescribed by the laws now in force.

Sec. 3. The sheriffs shall have the further time of one year to collect and distrain for any fee-bills, county levies and revenue tax which were collectable and distrainable in the year 1820. Further time to distrain for fees.

CHAP. CLXI.

An ACT for the appropriation of Money,

Approved, December 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following allowances be made to the persons hereafter mentioned, viz:

To the speakers of the senate and house of representatives, four dollars per day, each. Allowance to the speakers of the senate and house of rep's. Clerks.

To the clerks of the senate and house of representatives, sixty dollars per week, each.

To the sergeant-at-arms of the senate and house of representatives, twenty-one dollars per week, each. Seargent-at-arms.

To the door-keepers of the senate and house of representatives, twenty-one dollars per week, each. Door-keepers.

To the clerks of the committees of the senate and house of representatives, twenty-one dollars per week, each. Committee clerks.

To Roger Devine, for providing fuel, furnishing water, candles and candlesticks for the house of representatives during the present session, eighty-five dollars. R. Devine.

To the clerks of the senate and house of representatives, for four days' service, at the rate of sixty dollars per week each, in addition to the number which the legislature may be in session; which time will be necessarily employed in completing the journals, preparing the acts for publication, and arranging and filing papers. Additional allowance to clerks.

To the clerk of the house of representatives, for stationary furnished, and for printing during the present session, as per bill, eighty-four dollars and seventy-five Cents. Clerk of the H. R. for stationary.

To the clerk of the house of representatives,
For clerk hire. for clerk hire, twenty-five dollars per week, during the present session.

To the clerk of the court of appeals, sixty-eight dollars sixty cents, for fees against the commonwealth of Kentucky, for the year 1819, as per bills.
Clerk of the court of appeals.

To Nicholas G. Reading, two hundred and one dollars and twenty-five cents, for sundry work done, and repairs in the court of appeals' room and in the senate chamber, as per bill.
N. G. Reading.

To James Wight and William Ratliff, twenty-six dollars and ninety cents, for work and repairs done on the governor's house; and for repairs in senate chamber, thirty-two dollars and thirty-six cents.
J. Wight.

To John J. Vest, thirteen dollars, for four tables for the representative chamber.
J. J. Vest.

To the clerk of the senate, for stationary during the present session of the legislature, and printing, seventy-nine dollars.
Clerk of the senate for stationary.

To William Wood, for folding and stitching the rules of both houses, and the petition of Unwood, ten dollars.
W. Wood.

To the clerk of the senate, for clerk hire, twenty-five dollars per week during the present session.
Clerk of the senate for clerk hire.

To Amos Kendall, for making an Index to the laws of December session 1819, fifteen dollars.
A. Kendall.

To Benjamin Hensley, for paper, &c. for rooms in the governor's house, sixty dollars.
B. Hensley.

To Davy, a black man, sixteen dollars, for ringing the bell, and sundry other services in the state house.
To Davy.

To Roger Devine, for two hundred and fifty loads of wood, at one dollar and twenty-five cents per load, three hundred and twelve dollars and fifty cents; and for piling up four hundred and seventeen loads of wood, thirty-six dollars and seventy-five cents.
R. Devine.

To Anthony Crockett, for one hundred and sixty-seven loads of wood, at one dollar twenty-five cents per load, two hundred and eight dollars seventy-five cents.
A. Crockett.

To John Crutcher, for cutting fuel, furnishing J. Crutcher.
water, candles and candlesticks for the senate
during the present session, eighty-five dollars.

To Messrs. Kendall and Russells, public print- Kendall & Rus-
ers, nine hundred and forty-nine dollars, in full sells.
for their services as printers up to this date, as
per account rendered ; also one thousand dollars
in advance for the services of the present year.

To William Wood, for binding nineteen hun- W. Wood.
dred copies of the acts of the present session of
the general assembly, five hundred and seventy
dollars ; and one hundred and seventy-five dol-
lars, for binding three hundred and fifty copies
of the journals of the senate and house of repre-
sentatives of the present session, to be bound in
one volume, one half in advance.

To Messrs. Kendall and Russells, for sundries Kendall & Rus-
furnished the senate chamber, including one set sella.
of Littell's Laws, seventy-three dollars twenty
cents.

To Jefferson and Richard Fountain, thirty J. & R. Foun-
dollars, for carrying writs of election to Harri- tain.
son, Nelson and Shelby counties, by order of the
house of representatives.

To Regis, (a negro man) for services rendered Regis.
the house of representatives, ten dollars, the
present session.

To Moses, (a negro man) for services render- Moses.
ed the senate the present session, ten dollars.

To Anthony Crockett, sergeant at arms for A. Crockett.
the senate, for carrying two writs of election to
the senatorial district of Gallatin and Pendleton,
twelve dollars.

To the adjutant general, for office rent, fifty Adjutant gen-
dollars. eral.

To Hunt and Blanton, for repairs done to the Hunt & Blan-
governor's house, eighteen dollars, per order of ton.
Col. Richard Taylor.

To Roger Devine, for a gavel for the speaker's R. Devine.
chair, and sundries, two dollars eighty-seven
and a half cents.

To John Tipton, jailer of the county of Harri- J. Tipton.
son and state of Indiana, the sum of sixty-eight
dollars fifty cents, for apprehending, keeping,
guarding and delivering to the jailer of the coun-

ty of Jefferson, Matthias Ambrose, charged with felony in this state; which delivery was made at the request, and by the authority of the governor of this commonwealth.

To William Hunter, for white lead furnished the commissioners of the state-house, six dollars and thirty-eight cents.

To Willis A. Lee, clerk of the general court, eighty-two dollars twenty-four cents, the amount of his fees against the commonwealth, in the cases against the officers of the United States' branch banks located in this state.

The agent of the penitentiary, twelve dollars, for half dozen chairs furnished the senate.

Sec. 2. *Be it further enacted.* That from and after the passage of this act, the salary of the secretary of state of this commonwealth shall be one thousand dollars annually.

CHAP. CLXII.

An ACT to add a part of Gallatin County to the County of Boone.

Approved, December 27, 1820.

Boundaries.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Gallatin, included in the following bounds, to wit: Beginning on the state line, opposite the mouth of Bigbone creek, the present corner between Boone and Gallatin counties; thence with the line of said counties to where Boone county corners on the Gallatin line, at Samuel Cox's; thence a direct line to David Gibson's, so as to leave him in the county of Gallatin; thence to the Ohio river, opposite the house of said Gibson; thence to the state line, and with the same up the Ohio river to the beginning, be added to, and form a part of the county of Boone.

Sheriffs, &c. to make collections.

Sec. 2. *Be it further enacted,* That the sheriff and other officers of Gallatin county, be authorised to make collections of taxes or other public dues, and all executions which they may have in

their hands against the citizens within the foregoing boundary; and that the courts of Gallatin have jurisdiction in all suits therein depending, in the same manner as if this act had not passed.

Courts to retain jurisdiction.

Sec. 2. *Be it further enacted*, That the surveyor of Boone county be, and he is hereby directed to run and mark such lines of separation as may be necessary, agreeably to the provisions of the foregoing section; for which services he shall receive the sum of three dollars per day, to be paid by the county of Boone, out of the levy to be laid in 1821.

Surveyor of Boone to run and mark the division line.

His allowance, and how paid.

CHAP. CLXIII.

An ACT for the benefit of Charles W. J. Jerome.

Approved, December 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles W. J. Jerome, late of Gotham, Germany, now resident in Cabell county, Virginia, an alien, be, and hereby is enabled to hold, to him and to his assigns, all the lands, tenements and hereditaments, lying in this commonwealth, which are described and conveyed, or intended to be conveyed, in a certain deed of indenture now on file for record in the office of the clerk of the court of appeals, dated the 22d day of November 1819, between James Swan, of the one part, and David Cooper Swan, Charles W. J. Jerome and Louis Philibert Brun d'Aubignose, of the other part, according to the terms, and for the purposes expressed in the deed aforementioned, in as full and ample manner, and to all intents and purposes as if the said Charles W. J. Jerome had been, at the date of the said deed, a citizen of this commonwealth.

Authorized to hold land.

Description of land.

Sec. 2. *Be it further enacted*, That said Jerome, and his assigns, be, and hereby are authorized and enabled to institute, prosecute or defend any and all bills, suits, petitions or actions, personal, possessory or real, which may be necessary or proper, according to the laws of this common-

May maintain actions.

wealth, for supporting and enforcing any and all rights derived under or vested by the aforementioned deed, or by virtue of this act.

May convey
the land.

Provido..

Sec. 3. *Be it further enacted*, That all rights, titles, interests or claims of the aforementioned Charles W. J. Jerome, to the premises aforesaid, or to any part thereof, shall hereafter pass by deed or devise to his assignees or devisees, according to the laws of this commonwealth, in the same manner as if the said assignor or devisor had been, at the date of the aforementioned deed of conveyance, a citizen of this commonwealth: *Provided, nevertheless*, this act shall in no wise be so construed as to affect the existing rights of any person or persons, having, or claiming to have, any title or interest, by possession or otherwise, to the premises aforesaid, or any part thereof, except so far as may relate to the plea or defence of alienage.

CHAP. CLXIV.

An ACT to authorise the insertion of Advertisements in "The Columbian."

Approved, December 27, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for all advertisements which are authorised to be published in a newspaper, to be inserted in "The Columbian," printed in Henderson; and the editor of the said paper shall be entitled to the same fees, and be governed by the same rules and regulations as other printers in this commonwealth: *Provided, however*, that nothing in this act contained shall be [so] construed as to authorise the insertion of any advertisements that may be particularly required to be published in the newspaper published by the public printer.

CHAP. CLXV.

An ACT providing for the collection of debts due the Penitentiary, and for other purposes.

Approved, December 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the agent of the penitentiary for the time being, and he is hereby directed to proceed forthwith to the collection of all the debts due the said institution, for manufactured articles heretofore sold: *Provided, however,* that the agent shall not commence any suit or suits against any debtor or debtors of the institution, if any such debtor or debtors, on demand, or as soon thereafter as may be practicable, shall secure the payment of their several debts, by bond with good and approved security, real or personal, to be adjudged of by the agent, payable twelve months after the date thereof.

Agent to proceed to collect certain debts.

Proviso.

Sec. 2. When any debt or debts due said institution, may, in the opinion of the agent, be in danger of being lost, by the insolvency of the debtor or debtors, the said agent is hereby authorised to secure the same, according to the provisions of the first section of this act, whether the said debts shall have been sued for or not. And if such debtor or debtors shall make such arrangement, and give satisfactory security, the agent is hereby directed to discontinue any suit which may have been brought, or release any judgment, execution or replevin bond, which may have been rendered, issued or obtained against such debtor or debtors.

Agent may secure certain debts.

To discontinue suits in certain cases.

Sec. 3. Hereafter the agent of the penitentiary shall not sell any of the manufactured articles on credit, unless the purchaser or purchasers shall secure the payment thereof, by mortgage on good, unincumbered real estate, or by bond with approved personal security, payable in twelve months, if the sum shall exceed one hundred dollars; if less, then payable in six months after date.

Purchasers hereafter to give security.

Sec. 4. Upon all sales of manufactured articles hereafter made, and upon all the existing

A discount to be made for

prompt pay-
ment.

debts now owing to the institution, the agent shall discount fifteen per cent. on the real value of the articles sold, for cash in hand; and shall discount ten per cent. on all or any of the debts due the penitentiary, for prompt payment, where the credit is not extended under the provisions of this act.

CHAP. CLXVI.

An ACT for altering the time of holding the Circuit and County Courts of Lewis County.

Approved, December 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit courts for the county of Lewis, shall hereafter commence on the second Mondays in the months of April, July, and October; and all process that is or may be made returnable to the third Monday in April next, shall be returnable to the second Monday thereof, which shall have the same force and effect as if returnable to the third Monday in said month.*

Sec. 2. *The county courts of said county shall, after April next, be holden on the second Mondays in each month, and be subject to the same rules and regulations as heretofore.*

CHAP. CLXVII.

An ACT for the benefit of Daniel Trabue and others.

Approved, December 27, 1820.

WHEREAS it is represented to this general assembly, that Daniel Trabue, Charles Bennett, Adam Kearns, jun. and Jacob Antle, are engaged in boring for salt water in Cumberland county, on Blackish creek, and that they have made considerable progress:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Trabue, Bennett, Kearns and Antle, or any of*

Recital.

May appropriate
etc land.

them; be, and they are hereby authorised to survey any number of acres of waste and unappropriated land, within five miles of the place where they are boring for salt water, on Blackfish creek, not exceeding five thousand acres; which survey or surveys may be made at any time within two years from and after the passage of this act: *Provided, however,* that the said Trabue and company shall have the exclusive privilege of appropriating the aforesaid quantity of land, in the time aforesaid, in exclusion of all others. *Provido.*

Sec. 2. So soon as the said Trabue and company shall make five hundred bushels of salt at said well, and produce a certificate from the county court of Cumberland or Adair for the same, and shall produce to the register of the land office a plat and certificate of survey or surveys, as also the auditor's quietus for ten dollars per hundred acres, the register shall issue a patent or patents, as in other cases: *Provided, however,* that no survey made by said Trabue and company shall interfere with any actual settler at the passage of this act, and two hundred acres of land around the same, including said settlement in the centre: *And provided furthermore,* that the said Trabue and company shall not transfer any right which they may acquire under the provisions of this act, until they obtain grants for the same: *And provided also,* that no survey shall be made for less than five hundred acres, unless the same is bounded all round by other claims. *Provido.* *A patent to be issued on certain conditions*

CHAP. CLXVIII.

An ACT to lessen the County Levy to be collected in Greenup County, in 1821.

Approved, December 27, 1820.

WHEREAS the county court of Greenup county did, at their November term in 1820, levy a sum of two dollars upon each title in said county, to be collected in 1821, for the purpose of building another jail in said county; which sum, if collected, will be oppressive upon many of the *Recital.*

good citizens, under the present embarrassed state of the country : And it is deemed inexpedient to build a second jail, inasmuch as the present one is sufficient to answer the purposes of the county : . Therefore,

To rescind the
levy of 1820.

May make an-
other.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of said county, at their March term ensuing, shall rescind the order of said court made in November last, imposing a levy of two dollars on each tithe in said county ; and it shall be the further duty of said court to make a sufficient levy to meet the current expenses of said county for 1820, keeping out of view any appropriation for the erection of a new jail. It shall be the duty of all the justices of the peace in said county to attend at the next March county court, a majority of whom shall be competent to constitute a court for the discharge of the foregoing duties, any law or usage to the contrary notwithstanding.

CHAP. CLXIX.

An ACT for establishing and laying off a Town at the Iron Banks.

Approved, December 27, 1820.

Preamble.

WHEREAS the general assembly of the commonwealth of Virginia, at their October Session 1783, authorised the deputation of officers of the Virginia lines, on state as well as on continental establishment, to lay off four thousand acres of land in such manner and form as they might judge most beneficial for a town on the Mississippi, or the waters thereof, and vest the same in trustees, for the common benefit and interest of the whole : And whereas, William Croghan, Major Carrington, John Montgomery and John Rogers, were appointed trustees in pursuance of the act aforesaid ; and on the second day of August, 1784, did locate the four thousand acres of land aforesaid, for the purpose aforesaid, upon the Mississippi river, including the Iron Banks :

And whereas it is represented to this general assembly, that the trustees aforesaid, or a majority of them, have departed this life before the trust reposed in them was executed : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Croghan, the surviving trustee, Joseph Rogers Underwood, Richard Taylor, Jr. William Montgomery and David L. M'Kee, be, and they are hereby appointed trustees in the place of the trustees heretofore appointed ; and it shall be the duty of the said trustees, to cause a survey to be executed for the said four thousand acres of land in their own names as trustees, and have the same duly recorded in the office of [the] surveyor of the lands set apart for the military bounty on state establishment, and return the plat and certificate of survey to the register's office of this commonwealth, who shall thereupon forthwith issue a grant to the trustees aforesaid, who shall not (unless hereafter authorised by law) sell or dispose of the same or any part thereof, in any manner whatever, but hold the same subject to the control, and future disposition by the legislature.

Trustees appointed.

Their duty.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said trustees, as soon as practicable, to survey and lay out the said tract of four thousand acres of land into convenient lots, avenues, streets and alleys, in such manner as they may deem most expedient ; and to number the lots and name the streets, alleys and avenues, reserving as much thereof for a public square and other public buildings and purposes, as may to them seem expedient and right : *Provided,* that a quantity of the land aforesaid, not exceeding three hundred acres, shall be laid out in lots not exceeding one acre each, exclusive of the street, avenue or alley.

To lay off a town.

Sec. 3. *And be it further enacted,* That it shall be the duty of the trustees aforesaid, to make out a plan or plat of the said town, in neat form, representing the true position of every lot, avenue, street and alley, together with the numbers of the lots and the names of the streets, avenues

Plan to be recorded.

and alleys, and have the same duly recorded in the county court within which the town at the time may be, and in the clerk's office of the court of appeals of this commonwealth.

Governor to fill vacancies of trustees.

Sec. 4. If one or more of the trustees appointed by this act, shall die or refuse to act, it shall be the duty of the governor to appoint some suitable person to fill the vacancy.

Two of trustees may act.

Sec. 5. Any two of the trustees aforesaid shall constitute a board, and in the absence of the other trustees, shall have full power to do and perform any act in as full, valid and ample a manner as if all the trustees were present: *Provided however*, that nothing in this section shall be so construed as to vest any two of the trustees in the presence of the residue of the trustees to do any act without the concurrence of a majority of the trustees.

Proviso.

Trustees to make by-laws.

Sec. 6. The trustees aforesaid, shall be, and they are hereby authorised and required to adopt such rules and regulations for the government of the said town and the inhabitants thereof, as to them shall seem right and reasonable; which rules and regulations shall not be inconsistent with the constitution or laws of this commonwealth, and shall be recorded in the clerk's office of the county within which the town shall at the time lay, and be and remain in force until the same shall be repealed by a board of trustees appointed and qualified according to law.

To be recorded.

Trustees to sell 100 lots.

Sec. 7. That the trustees or a majority of them, may sell at public sale at the Iron Banks (giving three months' notice thereof in the public newspaper of this state) any quantity of the in-lots of said town not exceeding one hundred lots of half an acre each, and shall pay over the proceeds of such sale into the public treasury of this state.

Proceeds to be paid into treasury.

Trustees to give bond.

Sec. 8. Before the trustees herein appointed shall proceed to sell the lots in the town established by this act, they shall enter into bond with security, payable to the commonwealth of Kentucky in the penalty of \$ 50,000, conditioned faithfully to pay into the treasury any, and all of the money arising from the sale of the

lots aforesaid, the security or securities to be approved of by the governor, and the bond or bonds to be filed in the office of the secretary of state.

CHAP. CLXX.

An ACT for the benefit of John M'Ferran, late Deputy sheriff of Barren County.

Approved, December 27, 1820.

WHEREAS it is represented to the present Recital.
general assembly of the commonwealth of Kentucky, that John M'Ferran, late deputy sheriff of Barren county, considers that he has paid into the treasury the sum of one hundred and forty dollars over the amount which he should have been compelled to pay according to the commissioners' books delivered to him by the clerk of said county : And whereas, from the short examination which has been had, that there does appear in one instance, a mistake of fifty dollars of one item in the book returned to the auditor's office ; and it is possible that the whole amount may be discovered upon a minute examination and comparison of said book : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts, be, and he is hereby directed to make an examination of the said books ; and should it appear that the amount has been improperly certified to his office, that the said John M'Ferran shall have a credit for whatever amount may appear to be thus improperly charged, in his next year's account for the revenue of said county.

Auditor to make an examination & correct errors, if any.

CHAP. CLXXI.

An ACT arranging the times of holding the Jefferson Circuit and County Courts, and for other purposes.

Approved, December 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the cir-

Chancery
terms, when &
how long to be
held.

cuit court for the county and circuit of Jefferson, shall be so altered as hereafter to commence and be holden at the following periods, to wit : The first chancery term in each year to commence on the first Monday in February, and to continue twelve juridical days. The second, to commence on the second Monday in August, and to continue twelve juridical days. And the third, to commence on the first Monday in December, and to continue eighteen juridical days. The common law terms of said court, shall be holden as follows : The first or spring term in each year, shall commence on the third Monday in April, and continue thirty juridical days. The second or summer term, to commence on the first Monday in July, and continue twenty-four juridical days. The third or fall term, shall commence on the first Monday of November, and continue twenty-four juridical days, should the business of the said several terms require it.

Law terms,
when and how
long to be held

Process made
valid.

Sec. 2. All process made returnable to the former terms as fixed by law for holding the said several terms of the aforesaid courts, shall be returned to the terms fixed by this act, and be as good and valid to all intents and purposes as if the said process had originally been made returnable to the terms established by this act.

County courts,
when to be
held.

Sec. 3. The county courts of Jefferson county, shall sit on the second Monday of each month in the year.

Judge may ap-
point special
terms to try
criminals and
chancery cau-
ses.

Sec. 4. The circuit court of the fifth judicial district during term time, or the judge thereof, in vacation, shall have power to assign special terms of said court for the trial of criminal or penal causes ; and the order of said court or judge, directed to the sheriff of the county, shall authorise him to publish it in some newspaper of the vicinage, and summon a grand jury as in other cases ; and after said court shall be formed, they shall possess the like power, authority and jurisdiction over the causes aforesaid, as at the regular and stated terms of said court.

Grand jury
may be sum-
moned at spe-
cial terms.

Sec. 5. That so much of the act approved February 14, 1820, as requires the judge of the fifth

judicial district to hold a court in the said county of Jefferson for the trial of chancery causes, to commence on the third Monday in May in each and every year, shall be, and the same is hereby repealed.

Chancery term in May repealed.

CHAP. CLXXII.

An ACT to amend the acts incorporating the Frankfort and Shelbyville, and Shelbyville and Louisville Turnpike Road Companies.

Approved, December 27, 1830.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president and directors of the Lexington and Louisville Turnpike Road Company, and of the Frankfort and Shelbyville Turnpike Road Company, shall have full power and authority in their respective corporate capacities, to institute and maintain any action of debt or covenant for the recovery of any one or more of the instalments of the stock subscribed to their respective corporations, and which shall have become due agreeably to the undertaking and just import of the subscription, notwithstanding the whole of the instalments may not have become due.

May maintain actions before all the instalments are due.

Sec. 2. *Be it further enacted*, That the said company of Frankfort and Shelbyville, are authorised and empowered to erect one toll gate at or near Matthew Clarke's in Franklin county: *Provided*, that said company shall not receive more than half the toll heretofore allowed by law: *And provided further*, that all the citizens south-west of the Kentucky river, residing in Franklin county, shall pass toll-free on all court days and election days.

May erect gate near Frankfort

CHAP. CLXXIII.

An ACT to alter and extend the Terms of the Hardin, Nelson and Bullitt Circuit Courts.

Approved, December 27, 1830.

Sec. 1: *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the

Hardin circuit court, when & how long to be held.

Hardin circuit court shall hereafter commence and hold its terms on the following days: The first Monday in March, and continue twelve juridical days; upon the first Monday in June, and continue eighteen juridical days; and upon the first Monday in September, and continue eighteen juridical days, if the business of the court shall require it.

Bullitt.

Sec. 2. *Be it further enacted*, That the Bullitt circuit court shall commence its session upon the third Monday in February, and continue twelve juridical days; and upon the fourth Monday in May, and continue until the first Monday in June; and on the third Monday in August, and to continue twelve juridical days if the business of the court shall require it.

Nelson.

Sec. 3. *Be it further enacted*, That the Nelson circuit court shall commence its terms on the third Monday in March, the fourth Mondays in June and September, and continue four weeks if the business of the court shall render it necessary.

Chancery term in Nelson.

Sec. 4. *Be it further enacted*, That a term for the trial of chancery causes shall be held in the county of Nelson on the first Mondays in February and May, of six juridical days to each term, if the business of the court shall require it.

Process made valid.

Sec. 5. *Be it further enacted*, That all process made returnable to any of the courts whose terms of session are hereby changed, shall be returned to the terms hereby established, and tried in the same manner as though this law had not passed.

Proviso.

Nothing in this act shall be so construed as to prevent the judge from trying criminals and chancery causes at special terms to be by him assigned, according to the law now in force, or to repeal any law allowing a chancery term to the county of Hardin.

RESOLUTIONS.

A Resolution fixing a day for the election of a Senator in Congress.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on Thursday the 19th instant, proceed, by a joint vote of both branches of the legislature, to elect a senator to congress, to fill the vacancy occasioned by the resignation of the honorable William Logan.

A Resolution appointing a joint committee to examine the Bank of Kentucky.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a committee of four from the senate, and eight from the house of representatives, be appointed to examine the Bank of Kentucky, and report specially the amount of capital stock of the said bank and its branches, distinguishing therein the amount owned by the state, and the amount owned by individuals; also the amount of the debts of the same, the money deposited therein, the notes in circulation, and the specie in the principal bank and each of its branches, and such other matters and information in relation to the said bank and its branches, as they may deem material; and that they have power to send for persons, papers and records.

A Resolution appointing committees to examine the Public Offices.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the senate, and six from the house of representatives, be appointed to examine and report the state of the treasurer's office; and that four from the senate, and eight from the house of representatives, be appointed to examine and report the state of the register's office; and that five from the senate, and ten from the

house of representatives, be appointed to examine and report the state of the auditor's office ; and four from the senate, and eight from the house of representatives, be appointed to examine into and report the state of the penitentiary.

A Resolution for appointing a joint committee to confer with the proprietors of the Fayette Hospital, and for other purposes.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee be appointed, to consist of three from the senate and six from the house of representatives, to confer with the proprietors of the Fayette Hospital, and ascertain the terms upon which its real estate may be purchased for the use of the commonwealth, and report their opinion thereon, together with the policy of converting the said hospital into a state institution.

A Resolution providing for the purchase of a set of the Journals of the Legislature.

RESOLVED by the Senate and House of Representatives of the Commonwealth of Kentucky, That the secretary of state be authorised to purchase, for the use of his office, such of the journals of the different sessions of the legislature of this state, as may be necessary to complete a full set.

A Resolution to appoint a joint committee to enquire into the necessity of providing for the safe keeping of the public arms, and offices for the Adjutant and Quartermaster Generals.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the senate, and four from the house of representatives, be appointed to enquire and report to each house, the necessity (if any) to provide by law for the safe keeping of the public arms, and providing an office for the adjutant and quartermaster generals.

A Resolution requesting the President of the United States to negotiate with the British government, relative to fugitive slaves belonging to citizens of the United States, who are now resident in the British North American dominions.

WHEREAS it is represented to the present general assembly, that many negroes and persons of color, the property of citizens of this commonwealth, have escaped from their lawful owners into the province of Canada, and are there protected from recaption by the subjects of his majesty, the king of Great Britain, residing in said province of Canada: And whereas the practice of concealing and countenancing slaves that thus escape from their lawful owners, tends greatly to the injury of the people of this state, and if persevered in may lead to unhappy consequences between the subjects of his said majesty's government and the citizens of the United States:

Resolved, therefore, That it is the opinion and desire of the present general assembly, that the government of the United States invite the attention of the British government to this subject; and if practicable, procure arrangements to be made on the part of that government for the restoration of such fugitive slaves as shall have heretofore escaped, or may hereafter escape from their lawful owners (being citizens of the United States,) into any of his said majesty's North American dominions.

And the governor is requested to transmit to the executive of the United States, and to each of the senators and representatives in congress, from this state, copies of the foregoing resolution.

A Resolution fixing a day for the election of a President and Directors to the Bank of Kentucky, also Treasurer and Public Printer.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on Thursday the seventh day of December, proceed to the election of a president and six directors of the Bank of Kentucky, also a treasurer and public printer.

A Resolution fixing a day for the election of a President and Directors to the Bank of the Commonwealth.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on Thursday next proceed to elect a president and twelve directors for the Bank of the Commonwealth of Kentucky.

Resolutions in relation to the purchase of public lands of the United States.

WHEREAS many of the citizens of this commonwealth, allured by the prospect of increasing their wealth, or procuring a more desirable home for themselves or their posterity, which the uninterrupted growth of the western country presented to activity and enterprize, became purchasers of the public lands of the United States, under a well founded confidence that the earnings of honest labor, the profits of fair trade, or the sale of their other property, would speedily enable them to fulfil their engagements to the public: Whereas the unexpected depression in the price of labor and of property, the stagnation of trade, and the derangement of the local currency in the western states rendering it unfit for the payment of dues at the several land-offices, have darkened the fairest prospects, deprived the public debtors of the power to fulfil engagements made in good faith, and thrown upon them and their country an accumulated load of debt and distress, which no foresight could avert and no exertion can remove: Whereas, in addition to all these events, the congress of the United States have, by the act of April 1820, reducing the price of public lands, deprived the debtors of their last resource, and rendered them unable to sell any part of their purchases, and thereby raise the means to fulfil their engagements: By which events and act the said purchasers are in danger, not only of forfeiting their whole purchases, but of losing the money already paid, and are reduced to the humble necessity of resigning themselves to their fate, or soliciting indulgence for an indefinite period at the hand of their government, with expence to themselves and injury to their country: And whereas it is not the interest or policy of a free government to push the citizen beyond his ability, nor rigidly exact a forfeiture of his property, when such penalty is neither merited by any wilful delinquency, nor useful in affording a salutary

public example ; it is, in the opinion of this general assembly, the duty of the congress of the United States, as it is within their power, to relieve the purchasers of public lands from this oppressive debt, on terms equitable to them and just to the government : Wherefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That our senators in congress be instructed, and our representatives requested to use their exertions to procure the passage of a law permitting the purchasers of public lands at private sale to apply the instalments already paid to the payment in full for such portion of their purchases as such instalments may be adequate to pay for at the price of two dollars per acre, and to relinquish the balance of their purchases to the United States.

Resolved, That the governor of this commonwealth be, and he is hereby requested to forward a copy of the foregoing preamble and resolution to each of our senators and representatives in the congress of the United States.

Resolved, That our senators and representatives in congress be, and they are hereby requested to present the foregoing preamble and resolution to the senate and house of representatives of which they are members.

A Resolution fixing a day for the election of Presidents and Directors of the branches of the Bank of the Commonwealth.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on the 25th inst. proceed, by a joint vote, to the election of presidents and directors of the branches of the Bank of the Commonwealth of Kentucky.

A Resolution for printing and binding the Acts and Journals.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That two thousand copies of the laws, and three hundred copies of the journals of the present session of the legislature, be printed by the public printers, and bound by William Wood, and be delivered to the secretary of state for distribution : And that after supplying each member of the legislature with a copy of the journals of each house, and the clerks of the senate and house of representatives, the remain-

ing copies shall be retained in the secretary's office, subject to be called for from time to time as they may be wanted for the use of the subsequent legislatures.

Resolved, That the governor be requested to employ some suitable person to distribute said laws and journals.

A Resolution for the benefit of Luke Munsell.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the further time of one year be allowed to Luke Munsell to pay the balance of the loan due by him to this commonwealth.

A Resolution for marking the line between this State and Tennessee, as lately established by the two States.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the governor of this commonwealth be, and he is hereby requested, as soon as practicable, to cause to be run and marked, that part of the boundary line between this state and the state of Tennessee, which lies between the south-eastern corner of this state and Walker's line, as marked on Cumberland river, near the mouth of Oule's river, agreeably to the ratification of the boundary line, as lately established between this state and the state of Tennessee aforesaid.

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☞ The names of all persons for whose benefit or relief there is provision in this volume, are arranged alphabetically under the title "*Private Acts.*"

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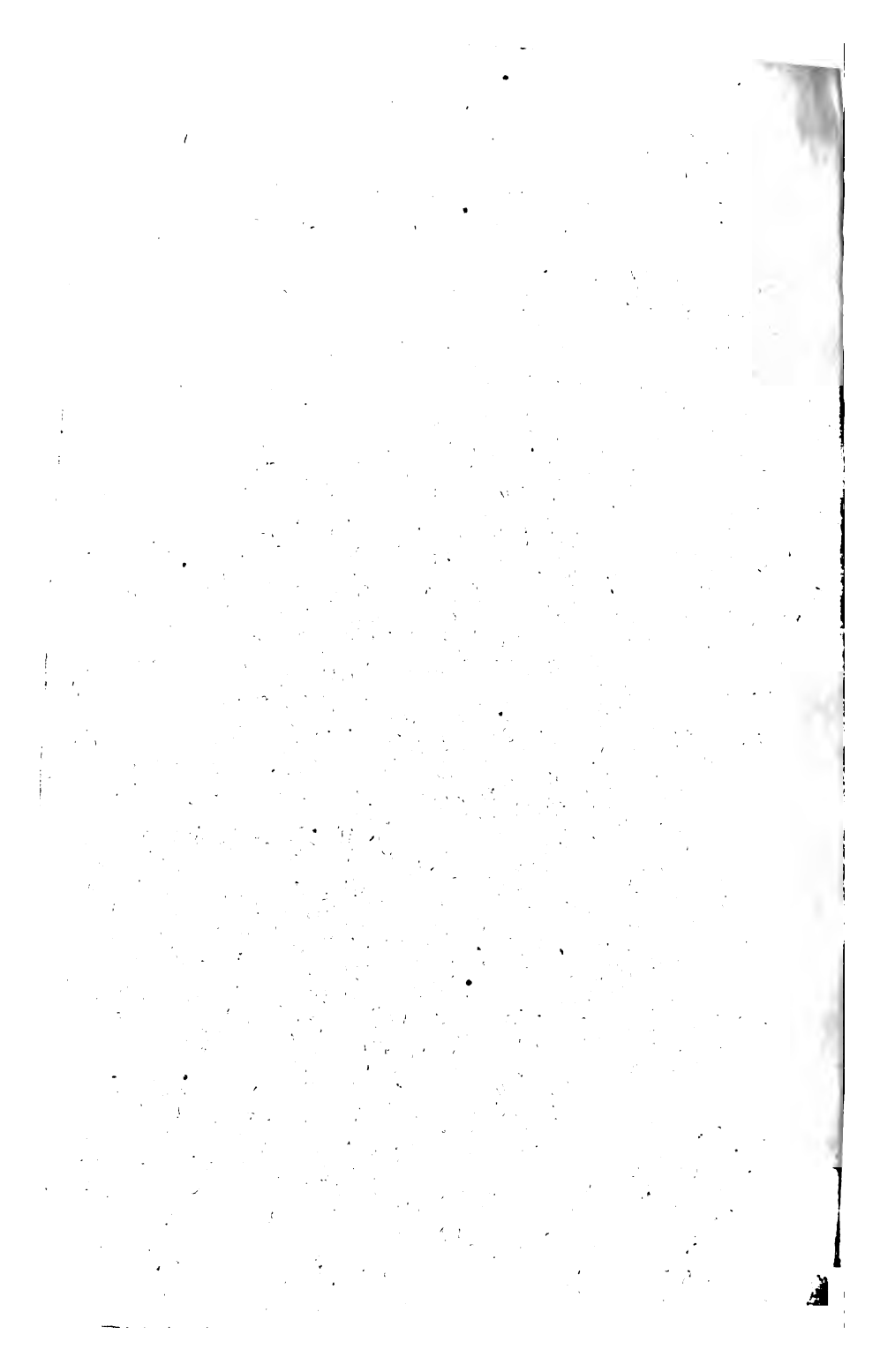
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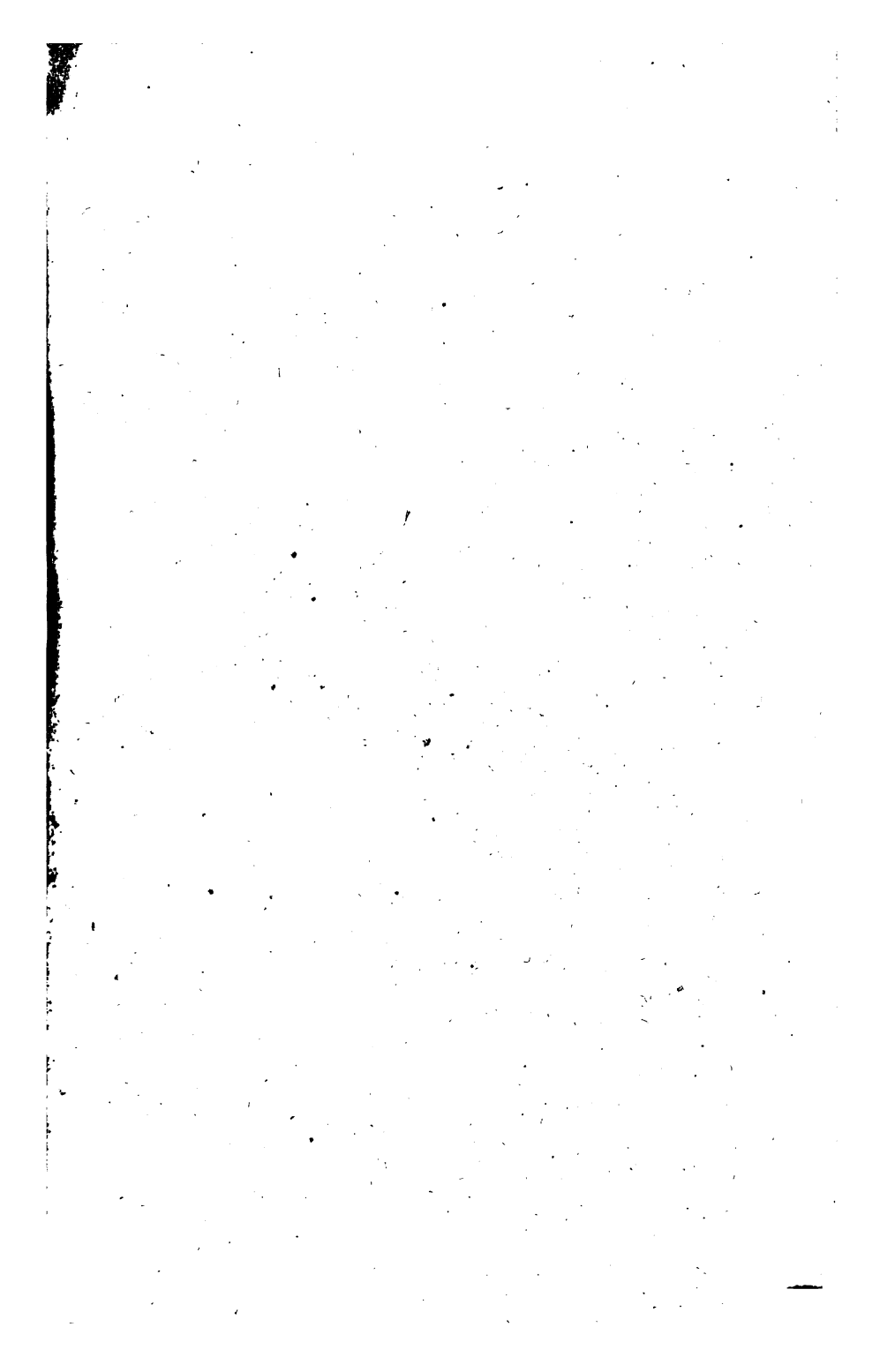
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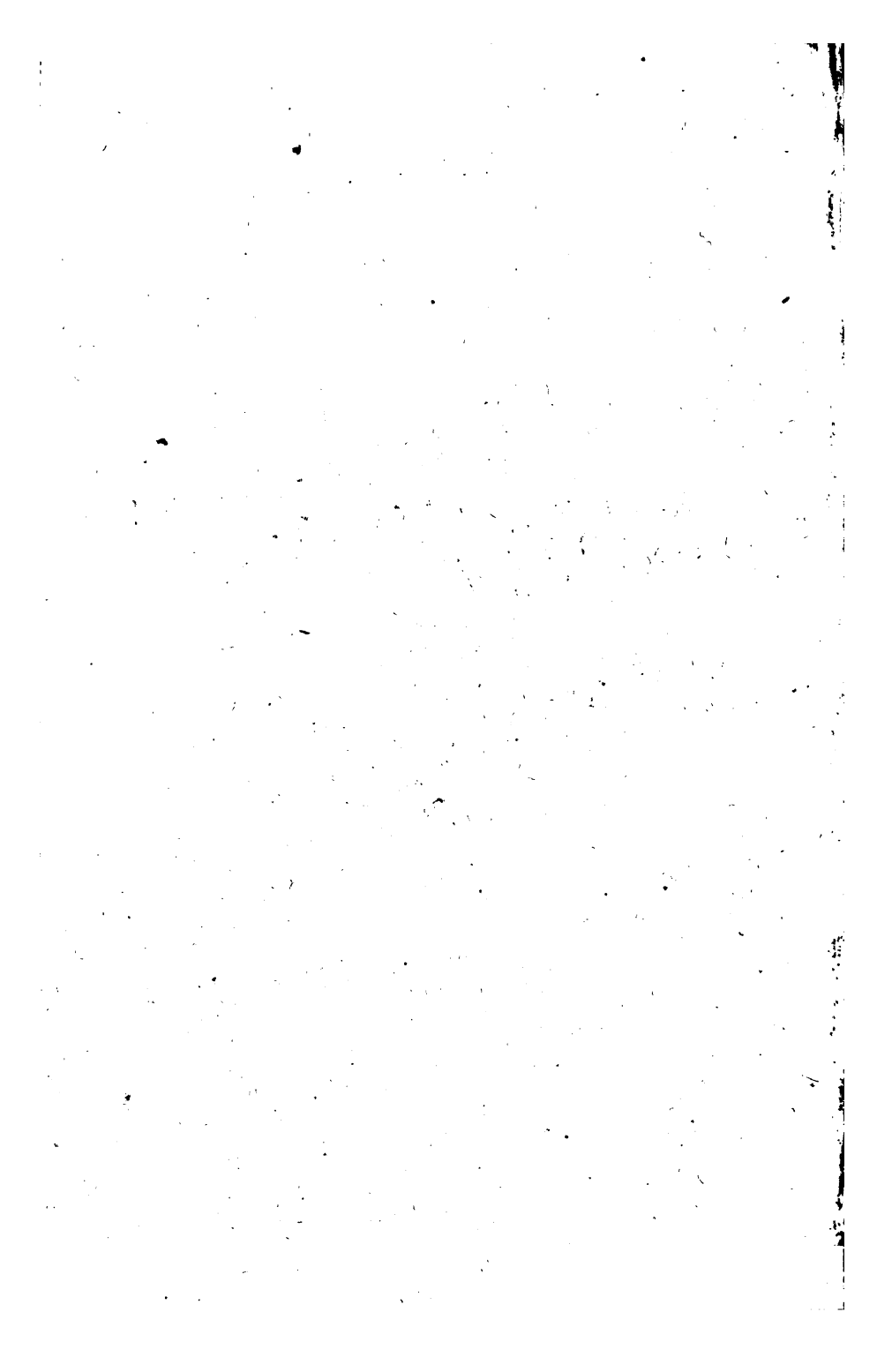
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